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ACADEMY OF
PACIFIC COAST HISTORY

ACADEMY
OF
PACIFIC COAST HISTORY

PUBLICATIONS

VOLUME IV

UNIVERSITY OF CALIFORNIA
BERKELEY, CALIFORNIA
1919

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ACADEMY OF PACIFIC COAST HISTORY

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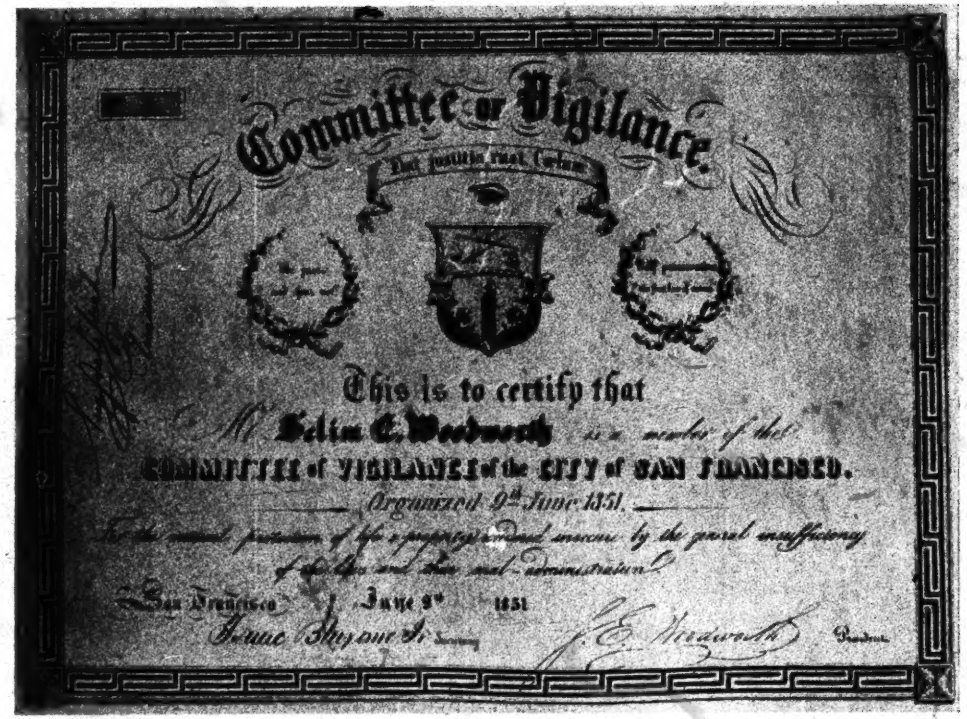

Committee of Vigilance.

Fiat justitia ruat Cœlum

This is to certify that

Mr Selim E. Woodworth is a member of the

COMMITTEE of VIGILANCE of the CITY of SAN FRANCISCO.

Organized 9th June 1851.

For the mutual protection of life & property rendered insecure by the general insufficiency of the laws and their mal-administration.

San Francisco June 9th 1851

Isaac Bluxome Jr Secretary

S. E. Woodworth President

Facsimile of the Parchment Certificate of Membership issued to Selim E. Woodworth.
Loaned for Reproduction by his Grandson, Lieutenant Selim E. Woodworth, U. S. N.
Original Design, 9 × 12 inches.

PUBLICATIONS OF THE
ACADEMY OF PACIFIC COAST HISTORY
VOLUME 4

PAPERS OF THE SAN FRANCISCO COMMITTEE OF VIGILANCE OF 1851

III.

MINUTES AND MISCELLANEOUS PAPERS
FINANCIAL ACCOUNTS AND VOUCHERS

EDITED BY
MARY FLOYD WILLIAMS

UNIVERSITY OF CALIFORNIA
BERKELEY, CALIFORNIA
1919

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INTRODUCTORY NOTE

This volume represents years of hope and years of work. When the Bancroft Library was purchased by the Regents of the University of California, and conveyed to Berkeley in 1906, it was felt that something must be done to make its treasures of original documents available both to Californians and to all students of history. Mr. H. H. Bancroft in his monumental history of the Pacific Coast, had worked over the vast mass of original material which he had collected, and published the result of his labors in thirty-nine volumes. But he was an historian rather than an editor of documents. He had made his collections with the specific purpose of using the material himself. The present generation of historical students, however, demands the text of documents rather than an interpretation of them. It wants to make its own interpretation. Every generation regards the past from a different standpoint and every historical scholar desires to draw his own conclusions from a study of the records. Therefore every custodian of records of more than purely local interest feels it a duty to make available to the general public the documents under his care, by printing and publishing them.

So soon as the Bancroft Collection had been put into some sort of rough order ten years ago, Professor Teggart, then Curator, and myself agreed that the first series of documents to be published ought to be the papers of the Committee of Vigilance of San Francisco of 1851. Not only were the papers themselves of surpassing interest as exhibiting a phase of frontier life under unexampled conditions, but they corrected widespread misrepresentations of early life in California. Despite Mr. H. H. Bancroft's first volume on "Popular Tribunals" (vol. 36 of the *Works*) legends were still current, and stories persisted in reappearing upon the First Vigilance Committee, which could only be extirpated by the actual knowledge of the facts. Attempts were made from time to time by such eminent writers as the late Professor Josiah Royce to explain the popular justice of the pioneers, but all the various historical and philosophical explanations needed to be checked or illustrated by documentary evidence. No greater service could be rendered not only to historians of civilization in general, and of California civilization in particular, but to the descendants of the men who settled the city of San Francisco, than the publication of the original papers of the Vigilance Committee, which had passed from the hands of Mr. Isaac Bluxome Jr., to those of Mr. H. H. Bancroft, and from him, through the wise action of the Regents, to the University of California.

The Academy of Pacific Coast History was brought into existence to publish and make widely known the sources of Pacific Coast History, and No. 7 of the first volume of the publications of the Academy, which appeared in July, 1910, contained the *Constitution* of the San Francisco Vigilance Committee of 1851 with the *Book of Names* of the members of the Committee edited by Mr. Porter Garnett. In the following year, in July, 1911, was published, also under the editorship of Mr. Porter Garnett, the *List of Names Approved by the Committee on Qualification* of the Committee of Vigilance as No. 2 of the second volume of the publications of the Academy. Then came a long pause. It was clearly seen that the work could not be carried on in this piecemeal fashion. The papers had to be arranged and studied and prepared for publication as a whole by some one who had patience, scholarly insight and training in methods of historical research, and who also had an enthusiasm for the broader subject of San Francisco local history. The editor was at last found in the person of Miss Mary Floyd Williams, whose father had been a San Francisco pioneer and a resident of California from 1847 to 1913.

Only one who has seen the papers themselves can realize the irksome nature of the task, and the countless problems that arose concerning the decipherment of handwriting, the spelling of proper names, and the verification of obscure allusions to persons, places and events. With what pains the editor's work has been prosecuted is shown by the contents of this bulky volume, and the careful and elaborate index. Miss Williams has made all students, not only of San Francisco history, but of the general history of pioneer conditions, her grateful debtors.

But when the editor's work was done, came the question of meeting the expense of publication. At one of the early meetings of the Pacific Coast Branch of the American Historical Association held at Berkeley, after some account had been given of the treasures of the Bancroft Collection, Mr. James D. Phelan of San Francisco generously offered to pay for the printing of the papers of the Committee of Vigilance. As a man deeply interested in the history of San Francisco and as a collector of California documents he appreciated the value of the work being done by the editor, and it is to the munificence of United States Senator Phelan that the present publication owes its existence. It is to be hoped that other benefactors may arise to follow Senator Phelan's example and to make possible the publication of other primary documents throwing light on the history of California.

It may be added, in conclusion, that Miss Williams, after spending years in the study, collection and editing of these documents, has naturally been led to a desire to interpret their meaning. Basing her specific study of the events in San Francisco, which led to the formation of the Vigilance Committee of 1851, upon a general investigation of the conditions in pioneer days in California, she has embodied the results of her work in a volume entitled *The San Francisco Committee of Vigilance of 1851: Its Significance in the History of California.* This volume, though issued to accompany the Papers of the Committee of Vigilance and based upon them, is complete in itself, and will appear in the *University of California Publications in History.*

H. MORSE STEPHENS.

EDITOR'S NOTE

The documents printed under the title *The Papers of the San Francisco Committee of Vigilance of 1851,* comprise a collection of manuscripts preserved by the secretary of the Committee, Isaac Bluxome, Jr., and presented by him to Hubert Howe Bancroft when the latter was writing his *Popular Tribunals,* in the years 1875 to 1877.[1]

The Academy of Pacific Coast History has for many years desired to publish in full this interesting portion of the Bancroft Library. Under the editorship of Mr. Porter Garnett, Parts I and II have already appeared, consisting, respectively, of the *Constitution and List of Members,* printed in 1910, and the *Names Approved by the Committee on Qualification,* printed 1911.[2]

The material presented in this, the third part, includes all the remaining documents which seem to warrant publication,[3] and embraces minutes of meetings, executive orders, reports of committees, confessions of prisoners, financial accounts and vouchers and general correspondence. It was the intention of the editor to preface these *Minutes and Miscellaneous Papers* with a study of the local conditions which led to the formation of the Committee and with a chronological narrative of its activities, but, owing to the great length of the documents, it has seemed better to print the archives by themselves with their own index, and to publish the historical sketch as a separate volume. A few words of comment are, however, necessary as an introduction to the pages which follow.

The months that immediately succeeded the establishment of state government in California gave sorry proof that the courts authorized by the first legislature were powerless or unwilling to preserve order, and allowed a dangerous criminal element, recruited largely from the British penal colonies, to outrage the entire state with unpunished robberies, murders and incendiary fires. San Francisco suffered in exaggerated ratio to its size and financial interests; efforts at municipal reform were futile; a voluntary patrol, established with the consent of the city authorities, proved insufficient to guard the community, and in an effort to meet the emergencies of the moment, prominent merchants, on June 9, 1851, organized the Committee of Vigilance "For the maintenance of the peace and good order of Society and the protection of the lives and property of the citizens of San Francisco."

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[1] See H. H. Bancroft, *Literary Industries,* 1890, pp. 658–660.

[2] Publications of the Academy of Pacific Coast History, Vol. 1, No. 7, and Vol. 2, No. 2.

[3] A list of the papers which remain unprinted is given in Appendix H.

The association conducted its work with a curious mixture of secrecy and publicity. Its entrance into civic affairs was signalized by the execution of John Jenkins, who was hanged before daylight, June 11, for a robbery committed on the previous evening. During the subsequent coroner's inquest one hundred and eighty-three members of the Committee acknowledged their common responsibility for the execution, by publishing in the daily papers an announcement of the organization and a list of early signers. Commodious headquarters were immediately leased and their location mentioned in notices printed in the public press. There the Executive Committee met on almost every day for three months, and the General Committee, numbering in all seven hundred and seven, at less frequent intervals. The guarded rooms were open only to members, although complainants, witnesses, and sometimes public officials, were admitted as occasion required. One of the remarkable characteristics of the Committee was the pains taken to preserve a record of its work, and the minutes, reports, testimony and confessions were attested and annotated with the utmost care. The larger part of these are plainly written on heavy blue paper of a uniform size of 8½ by 12 inches, but occasional pages are of inferior quality, some are torn and soiled, and not a few are nearly illegible, owing to awkward handwriting, or to the deterioration of the paper. Unfortunately, some important items are missing from the files, and the catalogue of the Bancroft Library has never included a book of early minutes of the Executive Committee, and a large volume of transcript of testimony which are mentioned in *Popular Tribunals,* nor a book of minutes of the General Committee called for by a resolution of July 9, and when, in the spring of 1914, Mr. Bancroft was kind enough to discuss with me the work of the Committee, and the sources of its history, he could not recollect the fate of these records, nor have the relatives of Mr. Bluxome been able to give any information that might lead to their recovery.[4]

As the critical study of the Committee, now in preparation, will consider the historical significance of these archives, it is necessary to explain here only the manner in which they have been rendered into print.

The secretary was accustomed to fold the records like legal papers, and endorse them with a descriptive title and the date of filing. Related documents were often collected by attaching them to the relevant report, and filing the entire group under the date on which it was considered in open meeting. This system has been followed, in arranging the papers for publication, and where there is no date of filing, documents appear under the minutes to which they pertain, when such juxtaposition seems desirable. The majority of the papers, however, were filed, and are printed, on the dates given in the text, and reference to minutes and reports has made it possible to place most of the undated material in fairly accurate position.

The minutes, where they have been preserved, precede the miscellaneous papers of corresponding date, and with a few exceptions, the order of business, as recorded by the secretary, determines the sequence of the reports and communications which follow.

The Committee was reorganized on September 17, 1851, and thereafter meetings were held at longer intervals, and the minutes were copied into a permanent record book. That volume has not been reproduced as a separate unit, for such treatment would preclude the insertion of miscellaneous papers in their proper position.

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[4] See *Popular Tribunals,* I, 242, 258, 265, and *infra,* pp. 89, 247. An allusion to the volume of transcripts seems to be made on p. 360.

The accounts of J. W. Salmon, the first treasurer (pp. 752 to 753), and of A. J. McDuffee, sergeant-at-arms (pp. 764 to 765), were submitted to the Committee on loose sheets of paper. Eugene Delessert, and his successor, George R. Ward, used a treasurers' book, which they kept with business-like neatness and accuracy (pp. 754 to 763).

The titles of documents are copied from the endorsements made by the secretary. Where several papers were folded together, and endorsed only on the outer page, all are printed under a single heading, and blank lines designate the limits of independent portions. Headings supplied by the editor are enclosed in square brackets.

Notes written on the face of a document are prefaced by the word [Annotated:], and those on the back, by [Endorsed:]. Addresses of letters are reproduced, as they sometimes throw useful light upon the subject, or method of correspondence. Unnecessary repetitions, in headings, annotations, and text, have usually been omitted. Words and phrases, once written, and then crossed out, have been printed in brackets, whenever they contain information not otherwise recorded, and explanatory matter found only in the drafts of minutes and resolutions is incorporated in brackets with the text of the revised copy.

The spelling of proper names often varies in a single paragraph. Where verification has been possible, the correct form is used in footnotes and index, but although many prisoners and witnesses, otherwise unknown to fame, can be identified in the newspaper reports of the criminal courts of San Francisco, the spelling of their names is still far from authentic. Names of the members of the Committee have already been verified, and printed,[5] and the forms there adopted have been used in the present publication, unless some new information necessitated correction. The editor of that list of names notes that the sergeant-at-arms assigned to the members numbers slightly different from those appearing in the book of signatures, and as the documents show that his numbering was used for the purpose of identification, it is employed here, wherever such reference is necessary.

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[5] *Papers of the San Francisco Committee of Vigilance of 1851*, I.

Autograph signatures are distinguished by the term [Signed], and the absence of brackets, in this connection, indicates that the word was supplied in the original document.

Contemporary newspapers explain many allusions, otherwise obscure, and they are constantly cited in the footnotes. Several important papers, now missing from the files, have been recovered from the pages of the *Alta California* and the *San Francisco Herald,* which, at the request of the Committee, published the full evidence in some of the more conspicuous cases. A few reprints have also been made from H. H. Bancroft's *Popular Tribunals.*

Space has forbidden comment upon all the interesting events, persons, and places named in the text, but footnotes have been made, wherever they were necessary to give a clear understanding of local conditions, and the work of the association. Attention is called to important characters, at the first mention of their names, and cross-references have been made freely, in an effort to trace their subsequent appearances in the records of the Committee of Vigilance.

The papers are printed as they stand, without editorial revision. Indispensable corrections have been inserted in square brackets, and phrases, confused by the lack of necessary punctuation, have been set apart by spaces, which somewhat define their connection. Asterisks, supplemented by notes, indicate illegible words, and the sign [. . .] is used to show that a sentence was left uncompleted by the writer. A few necessary expurgations have been made without further comment. The Committee employed no stenographers, to catch long narrations with facile exactness. Merchants whose fortunes often turned on the chance of a single day, sat hour after hour at the bare table in the

"Executive Chamber," writing laborious, verbatim reports of the examinations and statements that fill the hundreds of pages preserved in the archives of the association. They show the haste of their composition in errors of spelling, faulty punctuation, and confused abbreviations, and they are reproduced as they stand, not with the idea of placing them on a par with documents of profound historic importance, but in order to give them their true value as the expression of an honest attempt to discover the exact truth under circumstances where prejudice, excitement, and the consciousness of unauthorized, but unrestrained, power, tended to make men reckless of human life. As it is, their atmosphere of tense vitality hardly survives translation into the medium of print, but academic correction and polish would have eliminated it altogether.

It is interesting to note that the president of the Committee, Stephen Payran, urged that the documents should be "carefully preserved in good faith, that in future their [the members'] action may be shown to any representative body should it be required."[6] It was impossible for him to anticipate to what a wide circle of readers they would appeal. The personal element, important as it may be to the descendants and relatives of the actors, fades into insignificance before the broader human interests which vitalize every page. Above the ashes of the devastated public archives of San Francisco, these papers stand alone as a record of the life and thought and conditions of an important period. From them we can reconstruct the youthful city, its busy streets, its dark and dangerous alleys, its wharves, its gambling hells, its vicious lodging houses. And fresh from this environment came the witnesses and prisoners, speaking with naïve frankness of their daily life, their friends, their enemies, their business, pleasures, hopes and disappointments. Evidence in courts of law is so hedged and limited by technicalities that it is cold and lifeless in comparison with these statements in which truth, and truth alone, was demanded, and frankness was the prisoner's best safeguard against condign punishment. Here is a working laboratory for the psychologist, the criminologist, and the student of detective problems, whether professional or literary in his interest. And the students of social movements and of political institutions will also find the material of value as the record of a sincere and conscious effort to remedy an intolerable condition by the resort to direct and unauthorized interference with established methods of government. Writers of American history[7] have already related the Committees of Vigilance of San Francisco to the phenomena constantly characteristic of the advancing westward frontier, and such theories may be amplified, with profit, by fuller knowledge of the inner workings of this association.

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[6] See p. 639.

It was the realization that the papers would prove of interest from many standpoints that prompted the careful analysis presented in the Index. This should be studied by every reader, not alone for particular references, but as a substitute for the subject guides which are usually found in a table of contents. The chronological arrangement of the papers has assembled them in a bewildering and chaotic sequence, but the keys supplied by the Index and Appendices should make the confused pages both readable and fascinating. For there are many fascinating stories in these crumbling sheets: the story of Sam Whittaker and his friend, Mrs. Hogan; of little Mary Lye, rescued from life-long suffering by the president of the Committee of Vigilance; of Samuel Church, the desperado and horse thief; of Theodore Dahlgrén, a type of voluble, injured innocence, and, most sensational of all, the story of James Stuart, leader of the Sydney convicts and of his unfortunate "double," Thomas Berdue. Trace Stuart's career and associates through the Index and Appendices E and F, and the keenest excitement in the history of the Committee of Vigilance will be unravelled beneath your eyes.

Every reader of the papers will form his own judgment of the men whose actions are here revealed, but this may be said of them, with little fear of contradiction: they were honest in their conviction that their course was justified by the condition of their city; while their first trial was hasty and the subsequent execution accompanied by riot and violence, thereafter they were untiring in their efforts to disclose the exact facts in every case before them; they exercised their self-appointed office with justice and mercy, and when the majority felt that their mission was accomplished, they quietly withdrew from participation in public affairs.

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[7] See Frederick J. Turner, "Western State Making in the Revolutionary Era," in *American Historical Review*, vol. I, 1895–1896, pp. 76–78, and Lois K. Mathews, "The Mayflower Compact and its Descendants," in Mississippi Valley Historical Associations, *Proceedings*, vol. 6, 1912–1913, pp. 103–104.

In the concluding moments of a long and absorbing occupation, the editor may be allowed a few lines of personal expression, in her acknowledgment of thanks to those who have given generous assistance in the preparation of this volume:

To Professor Henry Morse Stephens, head of the Department of History of the University of California, whose foresight anticipated the value of the publication and whose loyal encouragement and unfailing interest have made possible the completion of the work:

To Professor Frederick J. Teggart, former Curator of the Bancroft Library and first editor of this series, under whose supervision all the puzzling problems of style and form were carefully elaborated:

To Professor Herbert E. Bolton, the present Curator of the Bancroft Library, and the present editor of the series, who has helped in the decision of all matters of final importance:

To Professor Herbert I. Priestley, also of the Bancroft Library, who has greatly assisted my researches in the collection, and who has most kindly read the proof of the entire volume, comparing it, page by page, with the original documents:

To Mr. Joseph W. Flinn, Superintendent of Printing of the University Printing Office, whose technical skill has met every difficulty involved in printing documents of such unusual character, and whose patience in the face of unavoidable, but vexatious delays, has called forth my most sincere appreciation:

To Dr. Owen C. Coy, Secretary of the California Historical

Survey Commission, who has given me much useful information gleaned from his researches in the county archives of the state, and has placed at my disposal the valuable maps he has prepared for his *Guide to the County Archives of California.*

To Mr. Hill Tolerton, of San Francisco, who not only informed me of the preservation of the banner presented to the Committee of Vigilance by the ladies of Trinity Church, but allowed me to use photographs of it prepared for his forthcoming volume of rare illustrations, to be entitled *Old San Francisco.*

I wish also to express my profound thanks to Lieutenant Reed B. Cherington, who made the minute analysis necessary for the Index, and whose advice, after war service forced him to abandon the work, was of the greatest help in classifying and assembling the individual references.

With Mr. James R. Duff, a member of the Committee of Vigilance of 1851, I spent some pleasant hours full of spirited reminiscences of those stirring days, and with Mr. Edward P. Flint, the last survivor of the Executive Committee of 1856, I had several most interesting conversations. Both of these pioneers have passed away, but their loyalty to the fundamental principle of the Committee of Vigilance was unshaken after sixty years of normal civic life. And it was a definite principle that inspired that association, these careful records establish that fact beyond a doubt, and nowhere is it more clearly expressed than in the words of President Stephen Payran: "It is an old and popular doctrine that it may be necessary to sacrifice the government to the people, but never the people to the government."[8]

MARY FLOYD WILLIAMS.

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[8] See p. 373.

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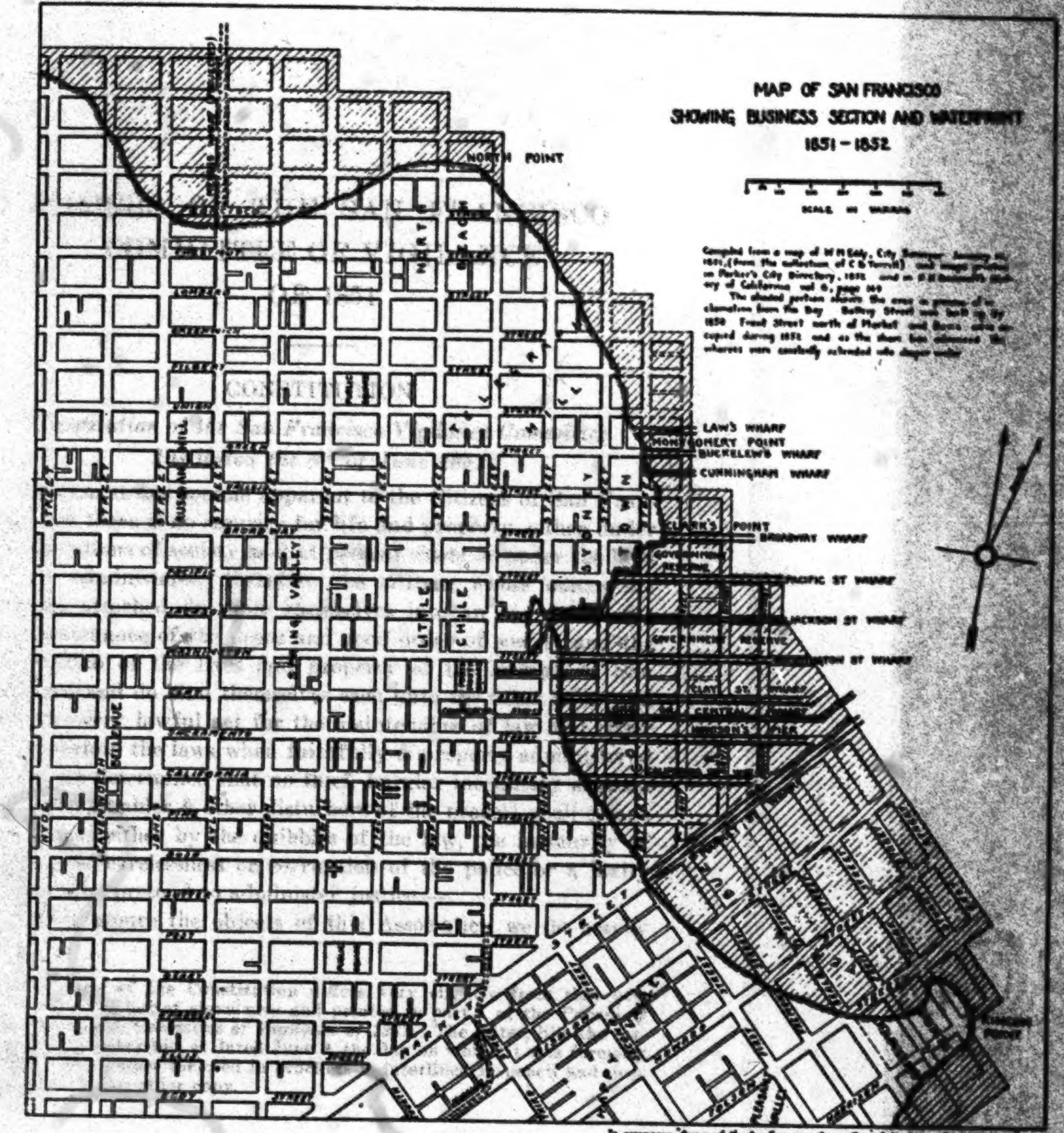
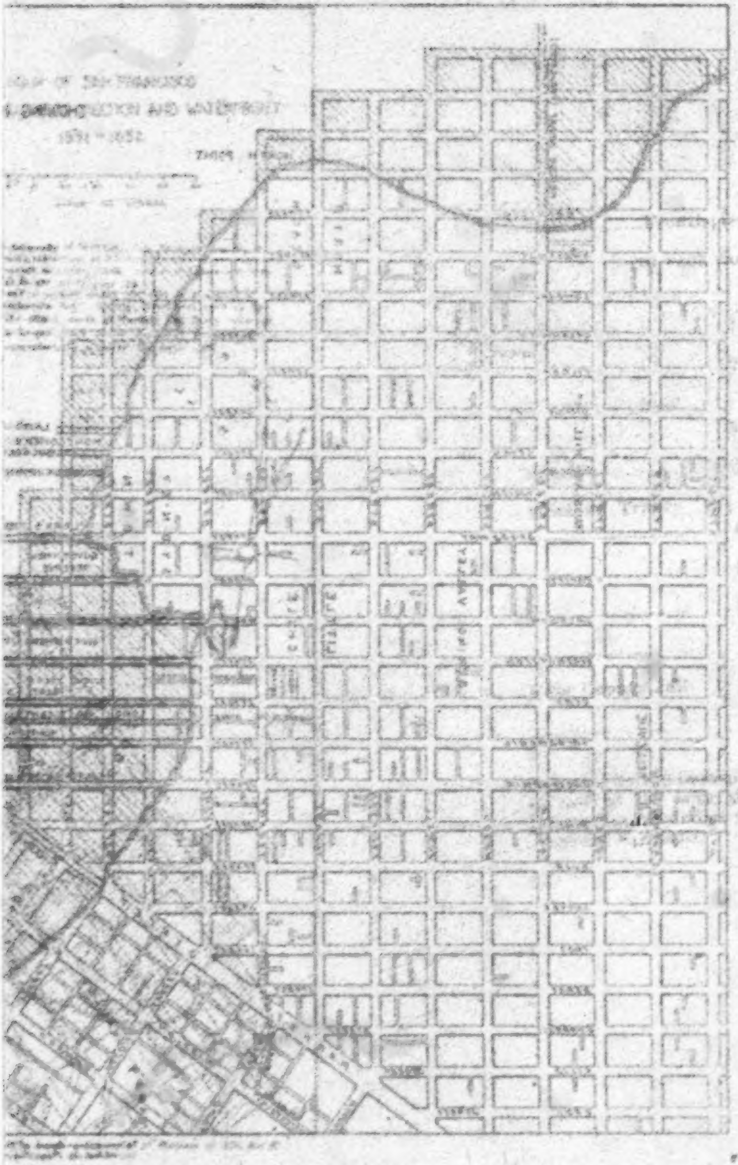
Documents distinctively typical of the methods adopted by the Committee of Vigilance have been selected for reproduction, and at the same time, care has been taken to avoid duplication of the interesting facsimiles that appear in the first volume of H. H. Bancroft's *Popular Tribunals*.


MAP OF SAN FRANCISCO
SHOWING BUSINESS SECTION AND WATERFRONT
1851 – 1852
SCALE IN VARAS
Compiled from a map of W M Eddy, City Surveyor, January 1, 1851, (From the collection of C B Turrill) and maps printed in Parker's City Directory, 1852 and in H H Bancroft's History of California vol 6, page 168
The shaded portion shows the area in process of reclamation from the Bay. Battery Street was built up by 1850. Front Street north of Market and Davis were occupied during 1852 and as the shore line advanced the wharves were similarly extended into deeper water
NORTH POINT
NORTH BEACH
RUSSIAN HILL
SPRING VALLEY
LITTLE CHILE
LAW'S WHARF
MONTGOMERY POINT
BUCKELEW'S WHARF
CUNNINGHAM WHARF
CLARK'S POINT
BROADWAY WHARF
PACIFIC ST WHARF
JACKSON ST WHARF
WASHINGTON ST WHARF
CENTRAL WHARF
MARKET STREET
RINCON POINT
To accompany "Papers of the San Francisco Committee of Vigilance of 1851, Part III." edited by Mary Floyd Williams December 1917

Map of San Francisco, 1851–1852



MAP OF SAN FRANCISCO, 1851 1852

PAPERS OF THE SAN FRANCISCO COMMITTEE OF VIGILANCE OF 1851

CONSTITUTION

Constitution of the San Francisco Vigilance Committee Instituted the 8th of June 1851

Whereas it has become apparent to the Citizens of San Francisco that there is no security for life and property, either under the regulations of society as it at present exists or under the laws as now administered, therefore the citizens whose names are hereunto attached do unite themselves into an association for the maintenance of the peace and good order of society and the preservation of the lives and property of the citizens of San Francisco and do bind themselves each unto the other to do and perform every lawful act for the maintenance of law and order and to sustain the laws when faithfully & properly administered but we are determined that no thief, burglar incendiary assassin [professed gambler & other disturbers of the peace[1]] shall escape punishment either by the quibbles of the law, the insecurity of prisons, the carelessness or corruption of the police or a laxity of those who pretend to administer justice.—

And to secure the objects of this Association we do hereby agree,—

---

[1] This copy of the Constitution differs very slightly from that prefixed to the full list of signatures and printed in part I of the *Papers of the San Francisco Committee of Vigilance of 1851.* The latter, like the certificates of membership, is dated June 9, the day on which it was formally adopted. The phrase inclosed in brackets is interlined in pencil and does not appear in the other copy.

First, that the name and style of the association shall be the "Committee of Vigilence for the protection of the lives and property of the citizens and residents of the City of San Francisco

Secondly,—that, there shall be a room selected for the meeting and deliberations of the Committee at which there shall be some one or more members of the Committee appointed for that purpose in constant attendance at all hours of the day and night to receive the report of any member of the association or of any other person or persons whatsoever of any act of violence done to the person or property of any citizen of San Francisco and if in the judgement of the member or members of the Committee present it be such an act as justifies the interference of this Committee either in aiding in the execution of the laws or the prompt and summary punishment of the offender the Committee shall be at once assembled for the purpose of taking such action as a majority of the Committee when assembled shall determine upon,—

Thirdly,—that it shall be the duty of any member or members of the Committee on duty at the Committee room whenever a general assemblage of the Committe is deemed necessary to cause a call to be made by two strokes upon a bell situated [. . .[2]] which shall be repeated with a pause of one minute between each alarm. The alarm to be struck until ordered to be stopped,—

Fourthly,—that when the Committee have assembled for action the decision of a majority present shall be binding upon the whole Committee and that those members of the Committee whose names are hereunto [attached do[3]] to pledge their honor and hereby bind themselves to defend and sustain each other in carrying out the determined action of this Committee at the hazard of their lives & their fortunes,—

Fifthly,—that there shall be chosen monthly[4] a President Secretary & Treasurer and it shall be the duty of the Secretary to detail the members required to be in daily attendance at the Committee room. A Sergeant at Arms shall be appointed whose duty it shall be to notify such members of their detail for duty.—The Sergeant at Arms shall reside at and be in constant attendance at the Committee room.—

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[2] The Committee made use of the bells of the California Engine House on Bush and Market Streets, and of the Monumental Engine House on Brenham Place. The latter is more often mentioned as sounding the signal on important occasions.

[3] From the copy of the Constitution mentioned above.

[4] In spite of this clause the officers were not frequently changed. See list of officers in the Introduction.

There shall be a standing Committee of Finance and qualification consisting of five each and no person shall be admitted a member of this association unless he be a respectable citizen and approved ~~of by~~ the Committee on qualification before admission.

(To this constitution were annexed the names of seven hundred and five citizens) Among others were

[Signed] W. Oscar Smith Chief of Police
" W^{m} H Clarke, of [Boat] Police
" F. C. Ewer.
" C. Bohrer Deputy Marshal
" J J Boyd do do
" I Bluxome Jr

MINUTES AND MISCELLANEOUS PAPERS

WEDNESDAY, JUNE 3, 1851

MISCELLANEOUS PAPERS

The People vs Benjamin Lewis[1]

Copy of testimony before The Recorder

Bryan Donally—police officer, Last evening between the hours of ten and eleven was walking on my beat on Long Wharf —heard the cry of "Police"—came up—asked what the matter was.—Said there was a fire up stairs and that there was suspicious characters & to look out for them—Saw two men on the stairs and one was preventing defendant from coming down. Caught him and told him to stop—asked where the fire was & could not find out. Whistled for the officer to come up & gave defendant in charge of some men and went up stairs to look after the fire & came down stairs & went back up stairs again and found the room where the fire was in and found it fastened —pushed it open—found it full of smoke—stooped down & went in—lifted up the matresses and found the fire underneath—when I lifted up the matress it began to blase—cried for water and officer—came in with water & we put fire out—came down stairs & asked who occupied the room—was told it was the man whom I stopped on the stairs—found he had gone away and searched for him & found him in the El. Dorado[2] standing over a monté Table—Was not certain he was the man—asked him to walk down on Long Wharf with me—Asked where he was on L Wharf at the time of cry of fire—asked him why he left—he said because he was burnt out the last time and did not want to be burnt out again—Asked him if he roomed in the house where the fire was discovered—Asked him why he did not stop there—said he did not wish to get burnt—Said he was going up to bed & smelt the smoke and returned. Arrested him and brought him to the station house. Have no doubt that deft. is the man I first arrested. It occured on Long Wharf between ½ past 10 & 11 oClock. It was between two matresses on the floor—In the end of the matresses—When I lifted it up it began to blase.

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[1] Lewis was arrested on the night of June 2, on suspicion of setting fire to his room in a lodging house on Long Wharf. The Vigilance Committee was not then organized, but among its papers is preserved this copy of the testimony given before the recorder, and comparison shows that the manuscript is more detailed than the contemporary report of the trial given in the *San Francisco Herald*. The continuation of the case has frequent mention in the following pages, and resulted, on July 22, in conviction and a sentence of two years' imprisonment. Donnelly, the first witness, made an effort to secure a reward offered for the arrest of incendiaries, but it does not appear that he succeeded.

[2] The El Dorado was the most famous gambling saloon in San Francisco.

Cross-Examination. I saw the deft. last time about nine o'Clock on Long Wharf walking with a boatman. I was taking a coat up to a man who was arrested for being drunk. Then met *him* on the stairs where the fire was. I spoke to him. I spoke to him as he was coming down stairs,—he did not answer me for some time. The room was up stairs of a building on Long Wharf. They have Lodging rooms up stairs. The stairs lead up outside. There were 3 or 4 persons about when the alarm was given and some sleeping in the rooms up stairs—Suppose there were ten persons there. Could tell a man by examining him closely—Met Deft. on the 3^{d} or 4th stair. There was a light in the sign outside. Noted he was poc-marked and had his boots outside his pantaloons. Told him to stop there & left him in the hands of a man, then went up stairs. There was considerable smoke in the entry. Opened the doors of several rooms and went down stairs and then up stairs again & burst open the door of Deft's room. I put my arm against the door & opened it. Don't know whether there was a handle or lock on the door. Did not notice if there was a bedstead. Noticed two matresses on the floor. Did not discover any money in the matresses. We threw them down stairs. The clothes about the floor smelt oily. There was no candle or lam[p] in the room. Saw no combustible matter about the room except the bed. There was a hole in the ticking—have not been in the room since. In about ½ an hour after came down to the El. Dorado, went in the door that fronts on Kearney S$^{t.}$ Deft was not at the first table, was standing at the table with his hands in his pockets. Deft. put his foot on a bench and put his hand to his face. He was at the right hand side of the dealer. Think he put his right hand to his face. The table is to the right of the door as I went in—had not been in the house over a minute when I observed him. I asked him to walk down on Long Wharf. Did not think it proper to tell him I was an officer. Told him I wanted him to walk with me for company. Wore my badge on the outside of my coat. I asked the question for information. I had suspicions of the man. He said he was down there in the evening at the time of the alarm of fire. He then asked me if I was not the man who stopped him on the stairs. I said I was—asked him why he left. He said he had got burnt out at the last fire and then said he did not want to get burnt again—said when he smelt the smoke in going to his room & came away. Dont think he was drunk—he staggered—don't know whether he was drunk or not—sometimes he would walk straight. As I was taking him down to the station house he said at the alarm of fire he went down stairs & took a drink and went away—had no more conversation with him—asked the proprietor if he knew the man—said he was the one he had reference to at the time of the fire.

(Signed) Bryan Donnelly.

Lewis Hallmin. Reside on Long Wharf in the same house where the fire was—Saw Deft. yesterday. When I moved down Deft. said he was going to the mines yesterday. It was about 2 o'Clock—About 3 o'Clock he took his blanket & went off & in one hour he came back and said I don't believe i'll go to the mines to day—Will go to-morrow—After this he went away & in 2 hours came back and asked the landlord why he did not give him a room to live in & gave me one—The landlord said he did not wish to rent the room any more & wanted it himself. In the night between 10 & 11 o'Clock was sitting in my room and heard a light tread—heard a gentleman coming up and the step was as easy as can be so as not to make a noise. He opened his door without making any noise—that is deft's door—He stayed in his room a few minutes—he locked his door and went off again. just the same step not to make any noise between 5 & 10 minutes after the same man came up again in the same way so as not to make any noise—step slowly—I wanted to see what was going on—opened my door and saw deft standing before his door—then I locked my door. Then Mr. Keith one of the witnesses came up and said there must be some fire in the house.—he knocked at my door and said there's fire in my room—told him no. I told him there was no fire in my room. We were hunting round & this deft. was on the foot of the stairs & Mr Keith told Deft. not to leave—wanted to find out where the fire was. Then Mr Tufts & Mr Johns came out of their rooms hearing the alarm and wanted to find where the fire was—and some one bursted the door of deft's room open—there we find the fire under the matress at the foot—behind the door—which swings to the left. There were two matresses—They were lying on the floor, and under them there was oil. The calico matress was underneath—the other one on it. We took one matress away and brought some water to make the fire out. That is all I know until Deft. was going off. About 15 minutes after the watchman, Donnelly, brought him back. Then the Landlord said "What you spill some oil up in your room for" He looked above where the oil came through and did not say anything. The first time I came out of my room, he was standing at the door. When Mr. Keith cried "fire" deft was at the bottom of the stairs—Could not tell whether he went up stairs again or not as I was getting some water.

Cross examined I have known deft since yesterday—he occupied a room in the same house—he had N° 2 and I N° 3—Went to my room between 10 and 11 oClock—had been in my room about 5 minutes when I heard footsteps coming up stairs. My room door was locked at the time. Heard him when he just commenced coming up the stairs. He made no noise coming up the stairs except opening his door. He opened his door as easy as can be—heard him inside—Co[u]ld not tell what he was doing—did not see a light—had a light in my room—I believe a person coming up out side could see a light in my room—I was sewing some clothes & was sitting still. The first time I could not tell who it was came up stairs. The second time he came up he did not go into his room but stood outside—I opened my door

[June 3, 1851]

and saw deft standing there. I stood in my door looking at him about 3 minutes. I wanted to see what was going on because I was a stranger in the house & smelt fire. I know he did not go into his room the second time because I watched him. He may have stood at his door about a minute before I opened my door. I knew it was him came up the second time because I watched him. The first time I saw him that night after dark was between 10 & 11 oClock standing before his own door. I first learnt the house was on fire by Mr Keith coming and knocking on my door—but I smelt it before. My door was locked at the time. When Mr Keith told me there was fire in the house Deft was within 3 or 4 steps of the lower part of the stairs—I suspected the house was on fire but had no business to go out & see. There were other people in the house. The fire was not put out when Deft. left. He ran off. I saw him when he went away. I was on the stairs getting some water to put the fire out. I got the water in the lower part of the house. He left after the door was open and the room was full of smoke. Could not tell whether he ran or not as it was dark outside. I said he ran away, because he ought to have stayed in the house and have seen where the fire was. I call walking off quick running. There was plenty of old clothing in the room. Don't know if they belonged to Deft. There was some boy's waistcoats there. Did not see any mans—nor a pot of oil in the room. There was not a pot of oil or a jug of oil in the room. All I saw was oil on the floor. It looked as if it had just been spilt—also saw an empty match box & bowie knife on the floor the same place where the fire was. Saw no matches but saw a wooden box empty.

(Signed) Louis Hellmen

Stephen M. Keith— Reside on Long Wharf on the second floor this side of the Collier Hotel—was going to bed last night between 10 & 11 o'Cloc when I heard some one open the door and asked me if I had any fire in my premises or if there was any fire down there. I immediately knocked on the butchers door—who occupied the back part of the second story of the same building—Asked him if there was any fire in there. They said no but they smelt something. I put my nose to the door of the front room occupied by Mr. Murray for a shipping office—found there was no fire there—went into the Collier House in the Bar-room—asked them if there was anything on fire—Went up stairs of the Collier House—met the Deft up in the hall and asked where the fire was—he said there was no fire up there—he thought or said it was down stairs—We went together to the Butchers shop and found no fire there—I told him it must be up stairs and he must go with me to help me find it. In the mean time others, say ½ a dossen, got around there and after that I did not see much more of this man. In the mean time the fire was discovered in a room in the head of a bed. The room was full of smoke. I helped stamp upon the fire. After it was put out went down stairs and stopped in the bar-room a few moments when the Police brought Deft. in & some of them said he was the man occupying the room. They took him away to the lock up & I went to bed. Did not notice whether Deft was going up or down the stairs as I was in a hurry. The room is immediately over the Bar-room. The spot of oil is near the partition, as near one room as the other, judging from seeing from the Bar-room. Do not know the proprietors of the house. The first time I went up stairs I saw a light under Hellmen's door and knocked & he came & said there was no fire in his room—then went to Deft & asked him where the fire was.

Cross examined.— I should not pay so much attention to a man at the time of a fire as at other times. Mr. Hellmen's door was locked. I took Deft's word that there was no fire in his room.

(Signed) Stephen M. Keith.

3 June 1851

George D. Simmonds— I stop with a friend who keeps the Collier House on Long Wharf. At 8 o'Clock last evening was acting for Stowell who keeps the lower part of house. I saw oil dripping down through the cloth ceiling. Told Mr. Stowell of it—told him he had better go up stairs and see what they were doing. He went up and found the doors locked—and in coming down met Deft on the stairs going up & came into the room where I was. Deft. said there was no oil in his room—for the oil dripping down did not come from his room, but proceeded from Tenant's room—About 11 oClock, witness Keith came in & wished me to go up stairs & see if there was a fire up there, as there was a great smoke and he smelt it on the next block. Told him he must go up alone & followed him out of the front door & saw him going up stairs which is within a foot of the Collier House.—I saw the Deft coming down the stairs fronting Keith going up. Keith stopped him & told him he could not go & put his arms out & stopped him.—Seeing this I sung out for the Police. I then left & went about my business. Should think deft had been boarding at the house 2 or 3 weeks—had seen him a dossen times pass & repass every day. He came in with the proprietor about 8 o'Clock to see about the oil dripping down—between that time and the alarm had not seen him. When Mr Keith stopped Deft on the stairs, I was within 2 feet of him. I can stand on the sill of the Collier House and look up.—Deft did not say anything when Keith stopped him. James S. Martelle & Hawes C. Stowell are the proprietors of the lower part

Cross examination— At the time Mr. Stowell found the doors locked I knew it because he told me when he came down.

(Signed) George D. Symmonds.

June 3d 1851

Edward Johns— Reside on Long Wharf in the second story over the butcher's store. Last night somewhere about 10 oClock I heard a person come up stairs & go into the room opposite the one I occupy—wanted to know who the person was—opened the door to see who he was—I saw Deft. going down the stairs—shut the door & went to bed. In a few moments heard a person come up & go into the room again—and by the cracking of his boots thought it was the same man. I noticed his boots cracking the first time he came up. I heard the friction of matches in the room—he stopped but a short time in the room and went down again—then he came up again in a very short time & I heard the friction of matches again—another person came up then & there was some whispering. Noticed nothing more until I was awakened by the alarm of fire in the house. I got up and told my room-mate to strike a light—he did so and the first man who struck my sight was Deft. standing on the steps—went back to my room to put on my boots & when I got out again he was gone—I saw nothing more of him until he was brought in by the Police-man. I went into the room where I heard the fire had been—there was no matrass in it at the time—saw some stain in the room behind the door—The scraping of matches was in the room where the fire was said to be—could not tell how long it was between the last scraping of matches and the cry of fire as I got into a drowse.

Cross Examination— First saw Deft when I opened my room to see who had come out of the room opposite to mine. It was in the vicinity of 10 o'Clock—that was the first time I heard him go to his room—heard him go to his room 3 times and should think it was him on account of the cracking of his boots as I noticed them the first time. The whole 3 visits occured within an hour. There was no one with him when I saw him—Afterward there was some-one came up & I heard whispering—I think—at the door—Could not tell what they said—Was not in bed the first time he came up—the other times I was—Laid in bed, perhaps, 20 minutes before I went to sleep—Have seen deft. often—have known him by sight at least 2 months—he has occupied the room since the 4th or 5th of May—Saw no light in the room that night.

(Signed) Edward Johns.

3 June 1851

Henry W. Tufts— Reside on Long Wharf & occupy the room opposite the one on fire last night—Mr Johns is my room-mate—came into the room about ½ hour after dark & feeling drowsy laid down with my clothes on on the bed—was sleeping, could not tell how long—Mr Johns was playing on a musical instrument & I heard more noise than usual since we occupied the room—thought there was something strange going on—As we were going to bed Mr Johns asked me to go down & have an Oyster Stew—asked him if he meant it—and at the same time he opened the door & said it was defendant outside the door. We went to bed & before I got to sleep I heard the friction of matches as if some one was lighting them but could not tell

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whether it was in the room where the fire was or in the entry—heard nothing more until they came up stairs about the fire—spoke to Mr Johns—Got up and lit the candle and commenced putting on my clothes. By that time there was considerable people entered. Did not see any light at the time in the entry or in the rooms—took my candle & a gentleman from out side light[ed] one from it—by that time the door was open & they went in and sombody kicked the bed & said 'here's the fire.' I stood outside talking to some-one & presently some one went into the room again & hauled the head of the bed up & found a knife & said there was a box of matches there—went in with my candle —see it looked wet and put my hand down & could not smell oil—but it felt greasy—I went down stairs and saw Deft and the Policeman with him & they pointed to the oil & deft said he burnt lamp oil & the officer took him by the shoulder & they went out doors.

Cross Examination. Know the deft. by sight only—he has been pointed out to me on Long Wharf—did not see him until I saw him in the bar-room—When my room mate opened the door & said it was the man—I knew it was Defendant he meant—We had been talking about him that evening. Did not see any matches but saw a box in the room—saw the Bowie knife in the sail-maker's hand—There was no portion of the room burnt—Did not see the bed in the room—Saw a carpet Bag on a shelf in the room & some rubbish—there have been several sleeping there—don't know how many.

(Signed) Henry W. Tufts

3 June 1851

Joshua B. Nickerson— Reside on Long Wharf over the Contra Costa Market—It is in the same building where the fire occured—Went to bed about 9 o'Clock—Between 10 & 11 a friend of mine asked me if I did not smell something on fire—said I did—in about 5 minutes discovered smoke in the room & we all jumped up. Some one sung out the building is on fire. I was trying to find a light & could not. I went out & saw in the room what I thought was oil on the floor also a place burnt—Did not see Deft after 3 o'Clock yesterday afternoon—he was outside in front of the house—the place burnt was not quite so large as my hand—I rented the market & let the rooms above for the proprietors. The room where the fire was I let to Deft. about the first of May—before the fire the time had expired and I told defendant we did not want to rent it to him any more—It was on Tuesday morning I spoke to him again on Monday—said he had taken a part of his things out but did not give up the key. In the after-noon deft. was talking with me of the witnesses & he asked me why he could not have it again—told him the agents did not care about hireing it again.

(Signed) J. B. Dickerson

June 3^{d} 1851

Henry C. Stowell Reside on Long Wharf—2 building from the corner of Front S$^{t.}$ About 8 o'Clock Mr Simmonds told me there was some lamp-oil dripping through the ceiling—went up stairs to the room & found it locked—it was N^{o} 2 the room occupied by Deft. As I turned to come down the prisoner was coming up. He asked me what I wanted—told him I came up to see where the oil came from. Asked him to come down & I would get a light & go up stairs. He came down & I pointed to the oil-spot & asked him if it did not come from his room. He said it did not. I said I thought it did. We went up stairs together looked to see if there was any oil in the entry—saw there was none—I asked him—do you pretend to say that oil does not come from your room—he said it did not it came from Mr Tenents room. We then came down stairs & I pointed to the oil the second time—I told him it must come from his room—he said it did not—Then let the matter drop. Took a chair & put on the counter & found it was oil then returned until I heard the cry of fire—about 11 o'Clock. Had buckets filled with water and the fire put out—Went into the room this morning & found the floor strewed with oil—directly in the spot where it would drip upon the counter—saw the prisoner when the police brought him in & then asked him about the oil. He said it might have leaked out of a jug. The Police officers said they thought he was the man & took him off—did not see him until he was arrested.

Cross Examination. Don't know deft's name—have seen him around the building about 3 weeks—Saw a bottle in his room with a part of a candle in it—Saw a quart jug in the corner of the room—Did not examine it.

(Signed) H. C. Stowell.

June 3d 1851

William H. Coit— Reside in Washington Street in Cottage Alley between Dupont & Stocton Sts—Geo. W. Trembley of Stocton owns the building which was on fire last night—Coit & Beals of which firm I am one are the agents for letting & receiving rents of the building—We rented to Hildreth & Wickerson & to Mr Stowell the lower part and up stairs the two Front rooms to Mr Tenant & the other rooms were rented to Mr Nickerson through our direction.

(Signed) William H. Coit

June 3d 1851

JUNE 11, 12, 13, 1851

MISCELLANEOUS PAPERS

Witnesses Examined before the Coroner's Inquest as to the Cause of the death of a man named Jenkins,[1]
June 11th & 12th

Capt Ray	Police officers
" Hardin[g]	" "
" J. P. Noyes [Noyce]	" "
" Blitz	" "
" North	" "
Capt Devere [Divier] Street Commissioner	

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[1] John Jenkins, the first prisoner of the Committee, was captured on the evening of June 10, after stealing a safe from the office of G. W. Virgin, on Long Wharf, and was taken to the headquarters, in Brannan's building, where he was immediately tried and found guilty. He was hung on the Plaza before daylight amid a scene of great excitement and violence. The coroner's jury charged nine designated members of the Committee with accomplishing his death, but as 183 citizens at once avowed, in the newspapers, their joint responsibility for the act, and as public opinion strongly sustained them, no prosecutions followed. His name occurs in connection with several other cases and various statements proved his close connection with the gang of Sydney convicts.

Ex Mayor Geary
Hon D. C. Broderick
Mr. Van Bokelen
S. Brannan
H.H. McAllister
E. Niles
J. R. Malony

[A second list, longer than that above, is as follows:]

Coroner's Office, Old Alcaldes Building

Captain	Hyatt	Oriental Hotel
"	Hardin[g]	3d District, Statien House
Officer	Robinson	2d "
Capt	Devere [Divier]	Str Commissioner
[Officer]	Kelly	
"	S. A Moore	2d do
"	Frank Lemon	City Assessor
"	Judge Geary	
"	Capt Ray	2d District
"	H. North	2d do
"	Conner	2d do
"	McGrath	2d do
	Blitz	2d do
	Nesbit	2d do
	Van Bockylun	Tax Collectors office
	I Cole	
	S. Brannan	
	E. Wakeman	
	E. Niles	
	D. C. Broderick	
	G. T. Everett[?]	

At one O'clock P. M.
June 11th 1851

T. M. Leavenworth, Foreman

Ray [Captain of the Police] Jenkins 8 last evening Mr Tucker, Long Whafe, recognized the man that informed of the mans arrest pointed out Mr Brannans House, Mr Brannan came to the door & told me to wait Saw the man about 2 o'clock saw the man then he had a halter around his neck saw a man with a billy struck at me dont know the man 6 or 7 officers moonlight night 1000 persons M^r^ M^c^Cahill[2] dont know that he wished to interfere with me, and in 15 minutes saw him hanging, [within] 25 feet of him the same place where I assisted to let him down from did not see any person have hold of the rope dont know hand cuffed at that time, dont know any person that had hold of the rope, Mr Broderick was present at the time, and perhaps can inform you. Charles Wilson informed me that the arrest was made."

Capt. S. C. Hardin[g] (sworn) I saw the man named Jenkins. I have known him for several months think he kept the House called *Uncle Sam* in Dupont S^t^, Sydney Valley. I saw the man this again this morning he was under a guard, at the time dont know the names of any persons that had ho[l]d of him when I first saw him he had no rope on his neck sayd untie my handkf saw the Handcuffs, saw him 10 feet from the rail moonlight, saw the man that had the rope in his hand and put it on his neck. That man was Capt Wakeman,[3] understood that he resided up the river, standing about two feet off. No other person to my knowledge, another person *named Ward* was present[4] Brother of *Frank Ward* confident that was his name the same person that was on the grand jury drew a pistol on me & sayd that he would shoot the first man that cut him down Cap^t.^ 3^d^ dist police Ira Cole, Citizen saw the man when he was hoisted away. should think that there were 25 men that [had] hold of it. *Wakeman* appeared to be assisted by the crowd. One man struck me, dont *know his name,* declared myself an officer, I was not where capt. Ray was when taken hold of. dont recollect of seeing M^c^ Cahill there dont know him by name Mr Ward was about the *nearest* one up to him when he was run up" They were all citizens good Americans. dont know of any understanding by the police of rescuing the prisoner.

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[2] Thomas McCahill, V. C. No. 90.

[3] Capt. Edgar Wakeman, V. C. No. 91.

[4] J. C. Ward, V. C. No. 9.

B. S. Blitz off[i]cer (sw[or]n) Police officer Commercial St Station. dont know that I ever saw the man before about 2 O'Ck saw him on the plaza 20 feet [from] Liberty pole[5] heard some persons [say] that they intended to hang him. Saw the man's arms tied, struck me. I was within about 7 feet of him did not see any rope there, did not see him when he was run up. Saw persons there recognized Mr Sam^l^ Brennan saw him standing in front of the *adobe House,*[6] Burgoyne door[7] Went to the man and saw where the rope was made fast to the rail, saw the person that made the rope fast The man appeared to be dead Brannan talking with another person. About *Day Break* had my Star on The crowd did not appear to be disguised Great many persons on the square. There did not appear to be any inderstanding as to the rescue

H. North (sworn) Police Officer 2^d^ district I was standing in the Plaza when they were trying him crowded around him, I got hold of him a second or two. recognized *Mr Ward* he drew a pistol on me He did not speak to me, recollect that he would shoot me if i interfered with the man, he appeared to be very much excited at the time Saw a *rope* in the hands of some *gentlemen,* they were standing on a cart or waggon, dont know their names think I could recognize them again. I went in to feel the man think I have seen the man before, dont know his name Hanging 10 minutes Number of persons standing there, did not see Mr Brannan, nor Cap^t^ Wakeman, dont know of any understanding by the police for the rescuing of the man.

J. L. Van Bokelen[8] (sworn) Reside Kearney St, City Hall. I claim the constitutional privilege of refusing to answer any

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[5] The flagstaff, 111 feet high, a gift to San Francisco from the citizens of Portland, Oregon, had been erected on the Plaza July 4, 1850. Soulé, *Annals of San Francisco,* 281.

[6] The "Old Adobe Custom House," on the northwest corner of the Plaza, was a landmark surviving from the early Spanish days. *Ibid.,* 255.

[7] "Was on the front step of Mr. Burgoyne's." Report of the inquest in the *S. F. Herald,* July 12, '51.

[8] J. L. Van Bokkelen, V. C. No. 173.

[question] that may tend to criminate myself. That the corps pointed out to me as one of the Sydney gang by various persons in the city   looks very much like he was strangled, saw him hanging,   Refused to answer as tending to criminate myself said after daylight   12 o'clock   I understood that some man had been caught stealing and that he had gone before the people to be tried. I have no knowledge of my own that he was tried last night,   shipping office   no particular person told me. Know Capt Wakeman, 3 mo^{s} Sam^{l} Brannan since Yesterday morning, on the *same grounds*. I was in Union Hotel 8 or 9 o'ck   I was near enough to hear any conversation that took place (not the subject of Talk)   refused to answer that I was present when the man was tried   also, when hung,   whether knew any person that was present at the time—I believe that he was hung by the people "En Mass"

J. P. Noyes [Noyce][9]   (swor[n])   Police officer 3^{d} district   I will give my reasons   I have every reason to believe that there is a secret committe or inquis[i]tion in this city and if I should tell what I have seen & know as to what occered that I should be in danger of my life. The fear I labor under is that it would tend to the loss of my life. I have been present when the witness was examined & I have [evidence[10]]   stat[ed] that my testimony wold be new matter, & that would tend to crim[in]ate other parties. The cause I [know] only by report. Last ev[en]ing 9 o'ck Bell arrested for stealing taken to Mr Bran[n]an house Cor. Bush & Sansome St on my beat Dupont St. 120 Street 100 people in the square 200 persons at *Branna[n']s house* ½ an hour several gentlemen standing on a Box on the East end of the Building. I heard a person in side move for a new trial. That person by his voic[e] was Mr Branna[n] Several persons said No, "no" Heard the prisoner say shoot me like a man dont hang me like a dog They then shut down the window. Walked around in front of the Building saw a man stand in the door persons gave a pass word, said the "Association or Member of the Ass" ½ hour Mr Brannan called the attention of the crowd & said that they had tried the Man & they were going to hang him, and asked them their opinion they gave an almost unanimous shout in the affirmative. Ring in an hour I left there, came up in the square saw Polic[e] office[r]s said they had no order as to the rescue. I said that I would act as a citizen in endeavoring to rescue the man I asked the question if there was any orders as to the rescue from the Marshall or Mayor. Saw Capt Devere [Divier] Bell said to hang the man. He said what do you think I am, did not know who rung the Bell. Went down saw a la[r]ge crowd coming up with a rope in front of them dodged under the rope & saw the man [hand]cuff[ed] I took hold of the man & saw a man took to be *Mr North* said Noyes I am with you. We had stopt the prisoner when Mr *James Ward* came and put a pistol to my breast. I made no remark. Took hold of the pistol told him for *Gods* sake desist are you a Christian *Mr Ward* said I'll blow your heart out or let go of the man then felt two pistols at my breast *Degrass B Fowler* at that moment *James Murray*,[11] *Mr Beales* Shipping Master Mr Warner, caught hold of me and bore me off from the crowed. I fell over the rope, they picked me up & said why do you risk your life. dont know who presented the pistol at me, the next thing I heard was the creaking of that Block. I asked Lt. Beals if he had a knife. He gave me a knife, But first asked what I wanted to do with it. I told him he then gave me it "*knife shown*" I made an attempt to cut the man down My friends took me away again, did not see any person put the rope over the *man's* head. I heard some by bystanders say, in reference to Mr Van Bokelen that he was *spotted* because he said something that was not apparently right in testimony. Think there was at least a thousand persons present at the time the man was hung saw the cuffs shine saw no rope around his neck at all. Mr. Brannan stated that the man was found guilty of stealing a safe & found guilty & that the verdict was that he should be hung in an hour.

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[9] If the testimony of Officer Noyce was reliable, it gave the best account of the scenes immediately preceding the execution. It is to be noted that the copy among the papers of the Vigilance Committee touches lightly on his fears, and omits all mention of the fact that the court was cleared during his testimony, which, in spite of such precautions, was given in full, to the very men of whom he stood in dread. The following extract is reprinted from the *S. F. Herald*, June 12:

"Refused to answer any questions—being called upon for his reasons he stated that he refused because he had every reason.

"He believed every man in the city liable to be seized and carried before the Secret Tribunal, and therefore he feared for his life if he should testify against them . . .

"Here, on motion of a juror, the court was cleared. The reporters were allowed by the coroner and jury to remain, under oath not to publish their notes of the witness's testimony until the prohibition was removed by the jury. But on the return of the witness he peremptorily refused to answer until the reporters retired. The remainder of his evidence was of course given with closed doors."

[10] The word in brackets has been crossed out.

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[11] James Murray, V. C. No. 345.

Adjourned to meet at 7 o'clock.

Ira Cole,[12] (sworn) Washington St. about 2 ock. I did not [see] him, previously to last night He was handcuffed and in the hands of one of the policeman J Winrow, 3 feet off. Some persons had hold of him the only person I recognized as having hold of the rope was Capt *Wakeman* had hold of the rope nearest the man that was hanging, when they pulled the man up, Wakeman made the rope fast to the railing, standing about 10 or 13 feet from the railing. I heard him call for a belaying pin to make the rope fast to. 10 or 12 other persons had hold of the rope, the person[s] standing nearest to me was *Winrow* and Mr Foley Capt Harding I was standing within a few feet. pretty Light night could see distinctly & recognize any person I knew 2 or 3 rods dont reccolect seeing put the block up. From the time I first saw the man until he was hung up could not be over ½ an hour, saw several persons have pistols, dont know them Mr Winrow called on me to help him in getting the man to the Station House Had hold of him until they hauled him away from me with the rope Capt Harding, he asked me to unlose his handkerchief The number of individuals I could not say, most of the persons were engaged in Executing him, I think there were 1000 persons on the Square

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[12] Ira Cole was an active opponent of the Committee, and helped Charles Duane when the latter attacked one of the members, F. A. Ball (see case of Duane, June 27). Cole escaped discipline in 1851, but was ordered to leave the state by the Vigilance Committee of '56. Bancroft, *Popular Tribunals*, II, 348.

Some cries to take him to the Station House, dont know who made the knot, dont know Mr Van Bockellen. Saw M^r^ *Ward* was in favor of hanging him, saw Mr *Brannan* there. did not hear him speak on the Square. Capt *Wakeman* of the *New World*, Steam Boat, Mr Foley of the circus, saw *him*.

Col Geary[13] (sworn) I left the Union Hotel about 10 o'ck last evening, the only thing I know is I heard two taps of Bell. It came from the Monumental Engine House, or from that direction I think I have seen him before the Recorder."

Wm Devere [Divier] (sworn) "Street Commissioner" Saw the man that was hung this afternoon that was the first I ever saw him according to the best of my knowledge. Last night going home heard my Bell tap. heard it twice a person was tapping it dont know who the persons were, I think the person that was ringing the bell was M^r.^ Bocklen. The bell was tapped again, one of my young came to me I was asleep & informed that a bell was tapping No 4. I went down & got there just as my bell beggung to tap[14] Richd Brommly resides foot Sacramento St I told him it would not answer A member of my Co. I put him out of the Engine House. Bromly told me that they were going to hang some man that stole a safe, put the key in my pocket shut the door about 1 & 2 o'ck I then went home, gave the charge to M^r^ Hossefross"

D. C. Broderick[15] (sworn) Saw a man hanging up in the Square, the first information policeman Robbery on Long

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[13] Col. J. W. Geary, last alcalde and first mayor of San Francisco, had been chief executive of the city from August, 1849 until April, 1851.

[14] Divier was a member of the Monumental Engine Company (Soulé, *Annals of San Francisco*, 621), and this testimony shows that the Monumental bell was used on the night of Jenkins' execution. The *Herald* names Washington Bromley, V. C. No. 56, as the young man who sounded the alarm. Hossefross, V. C. No. 199, was also a member of the Monumental Company.

[15] David C. Broderick was one of the leaders of the Democratic party in California, and had been president of the Senate in its second session, January to May, 1851. He actively opposed the organization and work of the Committee of Vigilance.

Whafe & had taken the man to try him about 9 or 10 ok heard the tolling of a Bell, told it was for the purpose of getting the Committee or crowd together for the purpose of hanging the man remained on and about the corner 2 o'c'k when the man was brought there. Standing near the Pole, when the crowd came up talking with Mr Branade[?] my reason was to help the Authorities in preventing the Execution. I attempted to get in the crowd I asked for the Marshall two or three persons were trying to prevent me from going towards the man

I spoke to Jones[16] . . . & young Howard,[17] Jones said the Citizens had taken the matter in hand Saw a rope in the hands of the crowd dont think the *man* had a rope on when I saw him,

saw a man rush down, and saw John Eagan[18] have hold of the *man* and hold him from the officers. My impression was that he was assisting the crowd I saw a man named Derby, appeared to be backing up the crowd by words,[19] Saw Capt King there also assisting, a man named Eben Niles came up and said My God did not you see the men that pulled the rope, T. K. Battelle & Hyatt[20] that kept the Oriental Hotel dont know of my own knowledge that that was *Wakeman* I think there was present at the time 1500 or 2000 persons. There were no officers of the city present according to my Belief I did not see *Mr Brannan* near the man, when he was being *hanged*. It was my opinion that the result of that was the work of an organized Band I saw M^r^ M^c^Cahill there did not see him act, saw Mr Ward there pass me I only understood by persons around the Hotel that he [written on margin: Jones] was one of the Committee that had taken the affairs of the City in their hands. Mr J. R. Maloney informed that he was one of them A member of the Committee and excluded for not knowing the pass word It is my opinion that Mr Jones was engaged in aiding and abetting the people in hanging the man Also Mr John Eagan;

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[16] W. H. Jones, V. C. No. 11.

[17] G. H. Howard, V. C. No. 22. The illegible phrase indicated by asterisks reads: "I think young Howard" in the *Herald* report.

[18] J. T. Egan, V. C. No. 38.

[19] J. C. Derby, V. C. No. 86. E. A. King, V. C. No. 14.

[20] T. K. Battelle, V. C. No. 142, Caleb Hyatt, No. 25.

San Francisco, June 12th 1851
2d day.

J. R. Maloney[21] (sworn) Saw a man hanging up on the Square. Saw him shortly came out of the *adobe Building* cor of Sansome & Bush St saw him near the California exchange. Dont know anything about him being tried, standing about 6 or 7 feet from him when run up. *I saw a rope around his neck*, saw a great many men have hold of the rope cant say who, cant say who that person was, 1500 or 2000. Know that there is a committee and that they were organized for the purpose [of] protecting themselves & the Community, when the Law did not do it Know Capt *Wakeman* dont recollect seeing Capt that night, saw *Ward* (James) Mr Wardsworth[22] great deal of excitement there.

H. Mc Allister[23] (sworn) I know the fact of a man having been hung. About 12 oclock heard there was meeting opposite the Rassette House Large crowd there attempted to get inside of the House, saw persons passing in, giving a certain pass word, go in, saw the door keeper unknown to me, saw Mr S Brennan Mr B Reynolds[24] also W. H. Jones a party came out 3 or 4 abreast prisoner in the midst, came on the Plaza about 2 ock got on a waggon, saw a man climb the Pole saw an attempt rescue him some shouted hang him on the *adobe*. Some one shouted you will committ murder. I looked & saw 25 or more persons holding the rope, and I saw amongst those persons James C Ward C Stagg Think I saw the younger Mr Teschemacher[25]

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[21] J. R. Malony, V. C. No. 250. Broderick's statement that Malony was ignorant of the password, tallies with one of G. E. Schenck (MS *Statement*, Bancroft Library, p. 51:) "The first watchword of the Committee was 'Lewis.' It was afterwards changed, partly owing to the fact that Rube Malony got into the Committee, and he was not wanted there." He was known to be friendly with the disorderly element, and was banished by the Committee of '56. Bancroft, *Popular Tribunals*, II, 591.

[22] J. C. L. Wadsworth, V. C. No. 40.

[23] M. Hall McAllister, a distinguished lawyer, had assisted the unofficial courts which had tried the Hounds, and the men accused of attacking C. J. Jansen (note 4, p. 137), but he disapproved of the organization of the Vigilance Committee.

[24] Benjamin Reynolds, V. C. No. 33.

[25] S. E. Teschemacker, V. C. No. 24.

[June 11, 12, 13, 1851]

& Frederick Woodworth[26] I also saw Mr T K Battelle Also *Mr Herne,* strongly impressed that it was them. Saw also *Mr Eagen* . . . Great deal of excitement. Heard the voice of Mr Reynolds cry Napoleon,[27] come here, and then the capt moved towards the *beam* & the man was hung in about 3 minutes after that I think there were not more than 1000 there a majority in favor of hanging the man many in favor of waiting till morning I did not have hold of the rope. I did not participate or sympathize with the party that [had] hold of the rope

Mr Samuel Branen[28] (sworn) Cause of the man's death hung I do not know who hung the man. It was a question in my mind whether the rope was around his neck or under his arms. The first time I saw [him] was on the corner of Bush & Sansome St in charge of two men that arrested him, & left them in the house. Somebody took charge of him He did not seem to feel inclined to go away, not cuffed. Some talk of sending him to the Station House the witnesses were sent for. I dont know *refused to answer* had a trial fair and impartial trial 60 or 80 unanimous verdict of guilt, the whole body were the jury, & found him guilty That Comitte was the Comitte of Vigilance, dont know of any Bye Laws. The object of the Committe to [be] constantly on duty for the protection of the lives & property of their fellow citizens. Saw him after he was hung & am sure that it was the man that was hung I understood there was record kept. There were 6 or 8 witnesses were present, dont know that they were put under oath. I heard a gentleman asked him if he had any witnesses to present dont reccolect of motion of a new trial dont Not Binding on the Committee to secrecy To assist the Law & administer justice. I am confident he would not have been hung if not found guilty. Cant reccolect the names of the witnesses object to give the names of the Committe I have heard of threats against the lives of the members of the Committe My information came from a prisoner in the County Prison. Do you know done by this Co. opposite to the Jail I do believe that it was through the instrumentality of the Committe that the man was hung

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[26] F. A. Woodworth, V. C. No. 4.

[27] Napoleon Smith was V. C. No. 166.

[28] Samuel Brannan was the first president of the Vigilance Committee. By the time he testified the Committee had decided upon a policy of publicity, and he disclosed more facts than Van Bokkelen had been willing to divulge.

Eben Niles . (sworn) I saw the crowd near the Liberty Pole did not see anything of the hanging other than that man was hung up did not see any person hang him or see any person have hold of the rope, I am and was in favor of hanging the man, if was found guilty and it is my opinion that he deserved death. But I am not in favor of having it done secretely, as it was done, or by a Committee, But by daylight and openly

John S. Eagan, Commercial St (Sworn) Do you know of any person connected in the trial & execution of a man by the name of Jenkins & whether they were acting in concert with a Committee or association of Citizens. Knows of no one directly participating in either as far as his knowledge extends.

Do you know if M^r^ Jas Ward is a member of that Committee, also Capt Wakeman, and M^r^ W^m^ H Jones. Witness is also a member, also Benj Reynolds T. K. Battelle is not a member to my knowledge. believes M^r^ S Thuchmaker [Teschemacher] to be a member. Is not acquainted with M^r^ Woodworth, dont [know] if he is a member believes M^r^ Derby is a member, believes M^r^ Stagg is not a member.

June 12th.

Cornelius Stagg, resides in Kearny S^t^ between Jackson & Washington S^t^

Do you know any person [connected] in the trial & conviction so called of a man named Jenkins, which [were] concerned in the so called execution of that person on the Plaza, and if so were they acting in concert with a committee of Citizens on that occasion, *I do not know* that he was tried The persons engaged in the trial I do not know. I was not a member of a Committee

I was present at the execution. Were you actively engaged in the execution of that man. I decline answering on the ground [. . .]

I believe the populace executed that man.

Did not see any person put the rope over the pulley.

I think to the best of my knowledge I saw the rope thrown over the man's neck, dont know who

San Francisco June 13th 1851.

James C. Ward (sworn)

Are you prepared to state under oath, that the names presented in that list[29] is that of the names of persons engaged in the hanging of the man named Jenkins''

[The following fragmentary notes seem to report the discussion of evidence.]

Proved by Capt Hardin also by Ira Cole, J. P. Noyes, That the rope was put over the head and afterwards pulled on by Capt Wakeman, formerly of the Steam-boat *New World*,

Proved, by H. Mc Allister, That Thos K. Battelle, James C. Ward, Cornelius Stagg, also Mr Herne, to have had hold of the rope and pulling on it, whilst the man was hanging and still alive''

Proved, & admitted by Samuel Brannan, That the Committee was instrumental in hanging the man.

Adjourned

Members of an association of Citizens of S. F. called a Committee of Vigilance—the following members being implicated by the testimony of witness before the Jury, to wit, J. C. Ward &c

The Jury also find that the following persons members owning their responsibility of the action of the foregoing members implicated—to wit

[Resolved that the Jury hold[30]] the members of the Comtt of Vigilance equally responsible for the act of part of its members as distinctly implicated by the testimony before the Jury—

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[29] The membership list was printed in the papers of June 13.

[30] Crossed out. The verdict of the coroner's jury is printed in full in the Introduction.

Came to his death by strangulation in pursuance of preconcerted action by a society calling themselves a Committee of Vigilance of which the following are so far as we are informed the members, of whom the following are implicated by direct testimony, the remainder by voluntary admission

The jury impanelled by the

SATURDAY, JUNE 14, 1851

MISCELLANEOUS PAPERS

M^r Van Bokelin's Report. Committee of Investigation[1]

James Arrington—in tent on North Beach would recomend to be notified to leave.[2]

"Four Nations" a very doubtful crib—no positive information—

Henry Beck on Sansome by Iron works a crib[3]

Pat Hodges in tent on hill "to many fine goods"

W^m Lavers of Columbia House, Battery complains of Mr Byrne, says he knows it to be a resort of men of bad character, thinks a strong force necessary to make arrest change dress very often he can give us valuable information when called upon, at any hour of the night—as [. . . Annotated in another handwriting:] no better than Byrnes[4]—

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[1] The first systematic work undertaken by the Committee was the inspection of suspicious lodging houses in the city. This report shows how the investigations were carried on, and mentions several men closely identified with the criminal element of the community. A thorough examination of each individual was commenced without delay, and several of the names constantly reappear throughout the papers.

[2] James Hetherington, also written Arrington, Hadrington, Herrington, Heatherington, Etherington and Ethington. The Committee ordered him to leave town, and when he refused, and appealed to the authorities for protection, it arrested him, detained him at headquarters for examination, and deported him to Sydney. Bancroft identifies him with the Joseph Hetherington who was hung by the Committee of '56 (*Popular Tribunals*, I, 375), but this seems to be an error, as the *S. F. Herald*, June 19, '51, published a notice that Joseph Hetherington was not the man under investigation by the Committee. Joseph gave important evidence regarding Stuart, and his signature on one of the documents in that case (see p. 245), differs from that attached to James' receipt for his property, given the Committee July 2, before he sailed from San Francisco (p. 152).

[3] Harry Beck, or Austin, later identified as a criminal, and arrested by the Committee.

Hanson & Claxson Australian House Battery St. a watchful eye required

John Harris "ordered Closed"

Thos Byrne "Mc Manus Welcome. two women long loft for 50 lodgers & Beds Complete, single rooms with padlocks on doors.[5]

Croxton & Ward "Albion House" to be watched

Carrigan Corner Ohio & Broadway.

Morris Corner on North Beach attention required

[Endorsed, incorrectly:] July 14th 1851

June 14th 1851. Information—G. Spires—Harry Williams—handed in, W. H. Jones.

Geo. Spires and Harry Williams was arranged 20th January for highway robbery, true bill found [at] time of trial before Judge Parsons[6] witnesses were not forth coming.—

Spires is now in prison for poisoning Brewer[7]—

Spires was examined by Judge Shepard,[8] and as usual endeavored to prove an alibi, but the testimony was positive in regard to his committing the robbery—At the instigation of Judge S. the police especially Mr Sweeney kept a look out for the prosecuting witness, as it was said, the landlord of the Uncle Sam[9] had endeavored to buy him off—He was watched until the day before the trial, but has not been seen since

[Annotated:] Proceedings on file

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[4] William Lavers, also written Levius and Levers. He had a dispute with Burns about a lost watch and appeared as a witness against him.

[5] Thomas Burns, also written Burnes, Byrne, and Byrnes, complied with a summons to appear before the Committee, and made an unsuccessful attempt to vindicate his character. He was ordered to leave the country and was deported early in July. See note 8, p. 151.

[6] Levi Parsons, at that time judge of the District Court.

[7] See note 7, p. 33.

[8] Philip W. Shepheard. The spelling, which varies in contemporary papers, can be verified in the office of the recorder of San Francisco. (*Deeds*, vol. B., p. 325.)

[9] Jenkins had been the landlord of the Uncle Sam.

June 14th. Geo Hopeful. Information about man in Cat Alley

Gentlemen

From information I have received this day, there is every Reason to believe there is a most dangerous Character living at the Corner of Cat Alley[10] and Jackson Street he is a man about five feet and ten in well built very quick in his movements decently dressed goes armed with Revolver and slung shot shuns being seen in daylight My information is from citizens living in the vicinity

Yours respectfully,
[Signed] Geo H Hopeful.

June 14th. J. Wilson, partner of Jenkins
Jas Sullivan. information, Long Wharf boatman

J. Wilson Man about 5 foot 6 in—got red hair cut short. Blue Blanket coat, arm in sling, partner of Jenkins—does not know where he lives supposed near Clark's Point.—

MONDAY, JUNE 16, 1851

MISCELLANEOUS PAPERS

Police Report, June 16 1851

Report of the Night watch

Detailed squads of men in twos and threes to watch various suspicious places some supposed and others known to be cribs for sidney men[1] reports from these confirm previous suspicions but detected nothing in particular Up to one oclock this morning neither Burns or Arrington had closed their houses as ordered

Mrs Fawcett who lives six or seven doors from Pacific Street says that she knows personally all the Sidney men in town and two vessels are now hourly expected having on board some 500 men who are completely organized in their various branches of crime. That they have been sent for from here and are all picked men. That if they are prevented from landing by the authorities they have made arrangements to "lay off" near the ship with boats and let the men jump over board and swim until they pick them up That they have their boats all ready and are in hourly expectation of the arrival of the ship She also states that they are desperate men thoroughly regardless of human life their own as well as others and have arranged to burn and plunder the town the moment they get ashore and that they have told her that in less than six months they have numbers enough sufficient to take the town and that in that time they will have full possession.

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[10] "Cat, or Murderers' Alley, a quarter to which some rude folks have applied the name of St. Giles." *S. F. Herald*, June 18, '51.

[1] Convicts from the British penal colonies were known to be responsible for many of the robberies, murders and fires that occured at this time, and the exertions of the Vigilance Committee of 1851 were particularly directed toward ridding the community of those undesirable aliens.

[Signed] E. Kemp,
Captain of Watch.

[Annotated:]—No. 1 Approved June 16/51

June 16th 1851. Report of the Night Watch

John Sullivan No. 269, volunteered in my watch—was elected Boatman of the Committee—knows too many men of bad character—would reccommend that he *be not trusted too much.*[2]

Monday Morning 12 Oclock,
Submitted to Executive Committee.

[Signed] J. L. Van Bokkelen,
Chief Patrol.

[Annotated:] Report Accepted No 1—June 16/51

June 16th 1851. Report from J. L Van Bokkelen, Chief of Patrol Nos. 244 [J. F. Spence] 199 [G. H. Hossefross] and 37 [A. G. Randall] June 16th

This morning at 1. A. M. a man named Yates, alias Wood was arrested by Messrs Elleard, Spence & Hossefros, in a small house on Virginia St. North side of Jackson for an assault on his wife, as he called her, who was heard to say to Yates, as they were entering—"You did kill him, you know you did. You are a murderer."

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[2] This Sullivan was a boatman who assisted in the capture of Jenkins. He was also the guard who first recognized Stuart, as the long sought leader of the Sydney gang (see also pp. 167 and 226).

At the time Yates was arrested, there was another man in the house, who was not known to the parties, arresting, but it has been proved since, almost beyond a doubt, that the man was Adams,[3] the burglar, he escaped, after being knocked down by Mr. Spence

Before Yates was taken out of the house he attempted to pass a watch to his woman, but which was taken from him, and is now in possession of the Recorder who has continued the case until tomorrow.[4]—10, A. M. June 17th.

This morning about 9 oclock, a woman went to the house that Yates occupied and enquired for the parties living there, she was asked by Mr. Matheson, the owner of the house, which she wanted, Yates or Adams, she replied that either of these *gentlemen* would answer

Police officer Gardner of the 2d District, stated to me last night, that he knew a great many notorious thieves and other bad characters, as well as their haunts & cribs in the city, and has valuable information to give the V. Committee, but can't consistently on account of his oath of office, but if the Committee will remunerate him for his services he will throw up his appointment, and devote his time to the service of the V Committee.

[Signed] A. G. Randall

Submitted to Committee

J. L. Van Bokkelen Chief Patrol

[Annotated:] Report Accepted 2

[Endorsed:] No 2 Approved June 16/51

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[3] George Adams a burglar, had recently escaped from the city lockup. (See also Confession of James Stuart, note 25, p. 232.)

[4] By means of this watch, Thomas Yates was convicted in the Court of Sessions of complicity in the robbery of a jeweler, J. H. Robert, whose house on Dupont Street had been rifled, June 1, of valuables amounting to eight or ten thousand dollars (see *S. F. Herald*, Law Intelligence, July 12-18). A list of the lost articles was filed with the papers of the Vigilance Committee, but it has no importance that calls for reproduction here. Mrs. Yates appeared before the Committee, August 27, in the case of other prisoners, and mentioned this affair of the watch.

[June 16, 1851]

Police Report. Belcher Kay, June 16. 1851

June 16th

T. Belcher Kay was seen late last night on Powell St. under suspicious circumstances—with a drunken man, after walking up to the farther end of Powell St. and finding that he was watched, walked back with him to the square.[5]

Information from Nº ~~244~~ [J. F. Spence]

Submitted to Committee.

[Signed] J. L Van Bokkelen
Chief of Patrol.

[Annotated:] Report accepted 3

Capt W A Howard, June 16. 1851

San Francisco—
Monday Ev. June 16/51

Mr. President.

I regret exceedingly that circumstances of a "private nature" compel me to leave for the Sandwich Islands for a time—but beg to be considered an *active* member of the Vigilant Committee always—

As the "Chairman of the Committee to ascertain the whereabouts of one Lewis" I have to inform you that *I know where he is*, and I pledge my word & honor that he is safe, and that he will be brot forth at the time of trial, and that the Sheriff[6] & his officers are with us *Heart and Soul* & pledge themselves to keep him, and will deliver him to the court whose province it is to try him—having done that—the Committee can, if in their judgment necessary! *take him!!!* From the facilities offered me by those Gentlemen & the perfect confidence they have always confided in me *as a member of the Vigilance Committee* I have to request that an opportunity may be offered them to show they deserve the confidence of the Community—I hereby request that M$^{r.}$ Geo Ward may possess the power belonging to me to vote & will answer to my name when called in the matter of *Life or Death* and such may be received as my vote—Thanking the Committee for confidence placed in me and regretting I have not had it in my power to do more I am Sir,

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[5] T. B. Kay (see Confession of James Stuart, note 26, p. 232).

[6] Col. John C. Hays, sheriff of San Francisco County, maintained friendly relations with the Committee of '51, although, in the course of his duty, it was necessary for him to take forcible possession of two of their prisoners, Whittaker and McKenzie (see reports, August 20). The Committee had such confidence in his integrity as a public officer that it raised a large sum to assist him in completing the county jail. He took an active part in opposing the Vigilance Committee of '56. Bancroft, *Popular Tribunals*, II, 388.

Very respectfully Yr Ob Servant,
[Signed] W A Howard

[Addressed:]
To the President of the Vigilant Committee
San Francisco

[Endorsed:] 4 Approved June 17/51 filed

Report of M P Burns M D. Case of Frank Brewer, Poisoned June 16, 1851

Report of D$^{r.}$ Mathew P. Burns on the Inquest of the Coroner of San Francisco on the body of Frank Brewer found dead in Montgomery Street North on the [first] day of June 1851[7]

On the Fifth day of June 1851, Edward Gallagher Esquire, Coronor of San Francisco, Submitted to me the Stomach and a portion of the small Intestines of Frank Brewer deceased, with the view of analyzing their condition and contents, and reporting to him my opinion as to the cause of death in this case.

The stomach, and such portions of the intestines as I received presented an appearance of acute inflammation, extending over their entire surface. The mucous and submucous coats were highly injected, thickened and softened, and in some places,

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[7] Joseph Turner (alias Thomas Quick), Richard Hall, and George Spires, were arrested on suspicion of poisoning Brewer, an Indian from one of the eastern states. Turner, who was later a prisoner of the Committee, was never tried on this charge, but Hall was convicted, July 31, although the evidence, chiefly circumstantial, was given by witnesses of unsavory notoriety. Spires, tried in August, was acquitted on substantially the same testimony, and late in August, Hall, granted a rehearing, was finally discharged. The cases attracted a great deal of attention and were fully reported in the daily papers. The first verdict of guilty indicated a transient, popular tendency towards severity in criminal matters, the later acquittals were more in accord with ordinary California procedure.

Large spots of extravasated blood were to be seen under the same. At the pyloric orifice of the stomach a large Quantity of grumous blood, with, thick, ropy tenacious mucous was found adhering. Such substances as the stomach contained consisted of half digested animal and vegetable matters. And did not, at the time I examined them, possess the odour of any alcoholic liquor.

On the supposition that the above-mentioned morbid appearances were produced by some corosive substance, I proceeded to wash the stomach and intestines, before applying any chemical re-agent, when I perceived a white crystaline powder adhering to the mucous surface of the same, about eleven inches from the pyloric orifice of the Stomach. The small intestines were perforated from the intense inflamatory action of the poison on that portion of the alimentary canal, I then submitted the same white crystaline powder that was found in the stomach and small intestines to a series of chemical Tests, which proved its nature to be Arsenious Acid, When we take into account the insolubility (or nearly so) of all the salts of Arsenic, more particularly, when mixed with organic matters, I come to the conclusion that the Arsenic found in the stomach and small intestines, must have been administered to the deceased Frank Brewer in his food; which, from all indications observable, I should infer must have been received into the stomach about three hours previous to death, In addition to the arsenious acid I also found a considerable quantity of Morphine in solution, which accounts for the fact that the stomach was able to retain the Arsenic so long without rejection.

The Morphine acted on the Brain and Nervous system as a sedative Narcotic, while the Arsenic did the work of death on the other internal organs,—

I then boiled the stomach and a portion of the small intestines along with their contents, and afterwards boiled and filtered the remaining Liquid, Which was then in a proper state for investigation, The analysis resulted in finding Arsenic and Morphine in solution,—The latter in considerable Quantity.

From the above result there can be no doubt that Brewer came by his death from the poisonous Effects of Arsenic and

Morphine combined, Sir I have The Honour to remain Yours &c

[Signed] Matthew P. Burns M D

San Francisco June 16th 1851.

Sir

I have analysed the contents of the Phials you submitted to me for that purpose on the 4th of June Instant, and I have now to report as follows—

Phial No. 1 contains Arsenious Acid combined with Morphine, being the same combination which was found in the stomach of the deceased Brewer,

No. 2 contains Sulphuric Acid blackened by coming in contact with the cork,

No. 3 contains Strychnine saturated with moisture and adhering to the sides of the bottle.

[Signed] Matthew P. Burns M D

To R. G. Crozier Esquire
Marshal of the Police City of San Francisco
[Annotated:] Report accepted 4
[Endorsed:] Approved June 16/51

Police Report. June 16, 1851

The committee appointed by the Committee of Vigilence to Examine into the condition of the House of one Divim at the North Beach Respectfully Report that they visited the neighborhood as directed and after a dilligent search of three Hours in the neighborhood were unable to find in the Dark the House Described. Every House was closed and the night being Dark no sign could be Read and having no one of the committee who vissited the premises in the day time to Point out the Particular House were compelled to Return without Effecting the object for which the committee were appointed.

Respectfully Submitted,
[Signed] John P. Haff

June 16th 1851.
To Chairman of the Vigilence Committee.

[June 16, 1851]

[Addressed:]

To the Chairman of the Committee of Vigilence of San Francisco

[Endorsed:] 5 Approved June 17/51 filed

Report of Finance Committee. June 16, 1851

We the undersigned members of the Finance Committee have to report having found a Room situated on Battery Street between California & Pine Streets of the dimensions of 60 feet by 80 feet for the monthly rent of Four Hundred dollars, and we most strenuously reccommend it as being in every respect suitable for the purposes of the Vigilance Committee.

Memo: It is on the second story, has two entrances well lighted and ventilated.

San Francisco, 16 June 1851.

[Signed] J. W. Salmon
" Geo. R. Ward
" R. S. Watson
Members of the Finance Committee.

[Annotated:] 5 Report adopted

[Addressed:]

To the Executive & Nogociation Committee
Present.

[Endorsed:] 5 Approved June 16/51

TUESDAY, JUNE 17, 1851

MISCELLANEOUS PAPERS

Police Report. June 17, 1851

To the Executive Committee

Gent^n^ Agreeable to a summons from M^r^ Sam Brannan I visited North Beach with John Hennery [Hennessey][1] to examine certain locations in that vicinity—

M^r^ Smith has been pointed out as residing in a small Blue frame on the South side of Stockton St where our informent tells us many of suspicious character congregate, but from all I could see upon a trancient visit, no one would presume such to be the case as some four to five children were in & around the House,

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[1] Hennessey's name appears several times, both as a witness and a prisoner, but no important information is connected with it.

I should however recommend a strict eye being kept upon it—

Hadrington is represented as living in a tent in the hollow North of Stockton St with an image each side of the tent, nothing of suspicion occurred during my survey except the much passing & repassing of suspicious looking persons, I passed close to the front at a slow pace but could hear nothing.—

Mrs Bechel resides in the hollow South of Stockton St to reach which you must pass down a ladder between the two large store houses & pass under one of them, this point appears a fit resort for rascals as nothing can be seen except from the water side, & I should strongly recommend a vigilent eye upon the police in that quarter.—

I have been induced to make some observation of the ground in this quarter & find that at low water there is a passage along the beach which must necessarily be well guarded to cut off all retreat should it be found necessary to attempt the capture of a person there

Respectfully
Yours &c
152 [W. C. Graham]

[Endorsed:] 1 June 17/51

C Spring—relative to Hand Bill posted through the City. June 17, 1851

On enquiry at the printing Offices connected with the Press of our City, it was found they had nothing to do with the printing of the inflamatory Hand-bills distributed to day, they also expressed their disapproval of the same.[2]

I learned the following: yesterday afternoon a person handed the manuscript of those Bills to the printing establishment called the *Sunday despatch* in Clay St opposite the Post Office asking that one hundred copies might be struck off, and paid the sum of Fifty Dollars in advance—today from twelve to twenty were handed to him, however before getting any more, the mayor in person prohibited further issue, threatening to lay an injunction upon the press. I have seen the manuscript which will be sent in to the Committee by M^r^ C Ewer—one of our members—who returns from Sacramento this evening—the original manuscript was signed by W^m^ French Geo. Stephens

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[2] The hand bill, which is printed in Bancroft's *Popular Tribunals*, I, 321, called upon the lovers of law, order and the social compact, to meet on the Plaza, on the afternoon of Sunday, June 22, to plan for the overthrow of the "dictators and anarchists who lately disgraced our city by their lawless and criminal proceedings," and was signed "Many Citizens." The disastrous fire of the 22nd effectually frustrated this effort to rouse public sentiment against the Committee of Vigilance.

San Francisco 17 June—51

reported by C. S. 45

C. Spring.—

[Annotated:] approved 17

[Endorsed:] 2 June 17/51

Judge Campbell. June 17, 1851

San Francisco June 17, 1851.

To Sam^l^ Brannan Esq.

Dear Sir In answer to the inquiries made by you in reference to the criminal jurisdiction of the Court of Sessions and other matters connected therewith I beg leave to make the following statement.

Under the new judiciary act & the act amending it this Court will possess, from the first day of July next, exclusive jurisdiction over all cases of felony except murder manslaughter and arson, which three offences will continue triable in the District Court alone.[3]

By another Act the Court of Sessions is authorized to try and determine indictments found in the District Court & pending therein on the first day of May last—

The jurisdiction of the Court of Sessions is limited to these particular cases until the first of July & a jury has been summoned and will be impanneled to-morrow for the purpose of trying them— I regret to say that it is probable there may be a failure of justice in many of them, as most of the indictments were found as far back as last January & the witnesses in all probability cannot be served with process

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[3] See *California Statutes*, 1851, Chapters 1 and 2.

The proper officers are actively engaged in taking all possible measures to secure their attendance—

By an act passed at the last session the criminal law was so amended as to make the crimes of highway robbery and grand larceny punishable with death in the discretion of the jury[4]—This law was signed on the second of April last and went into effect from and after its passage—The crime of arson was not embraced in the amendments, and remains punishable as before by imprisonment for a term not less than one or more than ten years, unless life should be lost by the commissionn of the crime in which case it is punishable by death—

The regular terms of the Court of Sessions are to be held only once in two months; but the law authorizes the County Judge to call a special term whenever in his opinion the public interests require it, and, as in my opinion it is necessary to punish all crimes as speedily as possible, it is my intention to call special terms of the Court at least once a fortnight. I have called one to be held on the 2^{d} day of July next, and unless there is something contained in the new jury law (of which I have not yet been able to procure a copy) to prevent the summoning of a grand jury after the opening of the term, one will be impanelled on that or the succeeding day—After the finding of the indictments I cannot see any obstacle in the way of an immediate trial of the accused—So far as the Court is concerned every effort will be made to ensure the utmost despatch consistent with a fair & impartial administration of justice.

Should any other matters suggest themselves to your mind in reference to which I can furnish you with information I shall be at all times ready to do so.

I am yours etc.
[Signed] Alex. Campbell[5]

[Endorsed:] 3 Approved June 17/51 placed on file

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[4] See *California Statutes* 1851, Chapter 96.

[5] Alexander Campbell, County Judge, and presiding justice of the Court of Sessions. His integrity was never questioned by the Committee, although he strongly opposed their organization, as he did that of '56. He was for many years a prominent member of the San Francisco bar, and a criminal lawyer of great ability. O. T. Shuck, *Bench and Bar in California*, 1889, 123–129.

Police Report. June 17, 1851

Report of Night Watch No 1

Thos. Scotts premises were examined and well watched untill ½ past one o'clock saw very suspicious looking characters congregated there obtained no positive information recommend this house to be strictly watched[a]

Visited John Smiths house found everything quiet no person to be seen about the premises

White house on Broadway watched until one o'clock, this house was visited during the night by some 60 different characters at different times have no doubt that this house is a crib of the worst kind

House of Lamb & Brady opposite just as bad

Australian Arms closed about ½ past nine parties passed into this house from the rear during the night

Heart in Hand—House above and James Howie's all require farther watching

The house next to the corner of Pacific is a very bad one Mr Thomas Byrne was one of the visiters during the night he remained in the house about one hour and half

Byrnes house all quiet

all of which is respectfully submitted to J. L. Van Bokkelen chief

[Signed] by Jno. W. Rider
in command of Night Watch

[Addressed:]
J. L. Van Bokelin Esq

[Endorsed:] 7 Approved June 17/51 filed instructed to continue

Report of Night Watch On Duty Monday Night June 16th 1851

The guard detatched to observe in vicinity of Herringtons House on North Beach make such reports, to show that the friends of Herrington & Byrne are concentrating their forces to protect him & watch over his House. When observing last night, the moment the first two arrived in sight of the tent, and saw a light, a pistol was discharged from the rear of the tent, the light extinguished and a body of from 20 to 25 men observed lurking around. It is very evident that the orders of the committee, to *vamos* will not be promptly obeyed. In my rounds yesterday I met Herrington at the House of Tho^s Scott on Montgomery Street, well dressed, and he inquired the meaning of the notice and said that he had placed the notice in hands of persons who would attend to the affair and he would be damned if he would leave & see if they could make him go[7] Thos Scott has been marked as a bad character, & finding Herrington in conversation at his house tends to confirm the character of Scott as bad,

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[a] Scott was arrested a few days later, examined, and sentenced to be deported to Sydney. His business affairs were settled by the Committee, who placed in his hands a balance of over $200 (see Scott's receipt, p. 151).

Would recommend that the Committee consult upon action to be adopted after Wednesday evening at 8 o'clock as Herringtons & Byrne's time expires on thursday morning at 10 o'clock.

Yesterday morning I visited a tent on Clarks Point Hills head of Sansome Street kept by one *John Smith* and Ann Smith from very respectable persons he is reported as bad—and the House & fixtures & man tend to confirm the conclusion that he is one of the gang—

Last night the characters known as sydney men were congregated at their haunts in large numbers with closed doors & very quiet. Your Committee may rely upon it that a concert of action is on hand "amongst the thieves" Action will be required—and each member of the Committee requested to carry his arms well prepared and have them upon his person every day and at all Hours.

The day Police has been joined to the Night Police making in all forty, it is expedient that 20 should serve each night. As many are absent, from duty each night I would suggest the propriety of increasing the force to 60 by addition of 20 more—who should be men of active disposition & willing to do their duty without fail—As many persons have put their names on the Police Roll who fail to report for duty, this subject should be placed before the general committee at meeting this night—

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[7] Hetherington made a vain appeal for protection to the city recorder.

The accompanying report of Captain of Night watch is submitted.

Tuesday Morning June 17 1851

[Signed] J. L. Van Bokkelen,
Chief of Patrol

[Annotated:] 8 Accepted placed on file Woodworth
add 20

[Endorsed:] 8 Approved June 17/51

[*Lease of the Committee Rooms*]

This memorandum of agreement made this seventeenth day of June Eighteen hundred & fifty one between Bullitt, Patrick & Dow and H A. Cheever of the first part and R S Watson George J Oakes, George R Ward. J W Salmon and W H Jones of the second part all of the City of San Francisco California

Witnesseth that the parties of the first part have this day leased to the party of the second part for the term of one month the whole of the second story of the frame house on Battery Street between California & Pine Street situated in the rear of Macondray & Cos brick building being the same house the lower story of which is now occupied by Bullitt, Patrick & Dow and H A. Cheever and the said party of the second part agree & bind themselves to pay said party of the first part the sum of Four Hundred Dollars rent for the term of one month payable in advance. And the said party of the first part agree to give the party of the second part the privilege of renting the same room for such further term as they may require it not exceeding five months month by month at the same rate namely Four Hundred Dollars for each month in advance and at the expiration of the term of lease the party of the second part bind themselves to return said premises to the first party in good order and condition natural wear & tear and accidents excepted And it is understood between both parties that the second party shall not sublet to any other party without the written consent of the party of the first part[8]

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[8] The first headquarters were in a building on Sansome and Bush Streets, owned by Sam Brannan. The Committee then moved to the rooms described above which were occupied until after the reorganization in September.

In testimony whereof Witness our hands and seals
[Signed] Bullitt, Patrick & Dow
H. A. Cheever

Witness to signing
B. Hall

[Signed] R. S. Watson
" W^m H. Jones
" Geo. J. Oakes
" J. W. Salmon
" Geo. R. Ward.

Wednesday, June 18, 1851

MISCELLANEOUS PAPERS

Resolutions in the Case of Hetherington & Burns. June 18. 1851

Upon the report of the Chief of Police (Mr. Van Bokkelen) being made on the 14th June giving a description of certain suspicious persons worthy of the consideration of the Committee of Vigilance—: two from his list were selected by the General Committee as being persons dangerous to this community their names were Herrington and W^m Byrnes both keepers of *Cribs,* the resort of felons & burglars: and the Secretary was instructed by a vote of said Committee to send notices to the above named persons ordering to quit the City within five days. Last evening the Executive Committee rec^d from Byrnes a letter setting forth his innocence, offering to prove his respectability & stating the impossibility of moving his family & settling up his affairs in so short a period as that given him by the Committee. At ten o'clock on Friday morning the time given the two men to leave expires, and it now becomes necessary for the Committee to resolve upon the measures to be taken in this case, & that these measures may be such as will meet any emergency.—It is the proposed and very necessary intention of this Committee of Vigilance to act in such a way as to obtain the sanction of this Community for each and every one of the steps it takes, and for none more than the course it shall pursue with respect to the expulsion of two men against whom there are no charges for overt

[June 18, 1851]

acts of annoyance to this Community.—And we have now to choose whether it would be advisable & popular for us to proceed on Friday morning to take forcible possession of the above named persons perhaps to the injury even to the death of themselves or any that might choose to assist them, & that too without any other warrant than our suspicions: or whether we should not appoint a time for receiving such evidence as the men may have to offer, and after that decide what should be done with them.—I would propose to the meeting the following course of action, as one easy of execution, one that would confirm the now popular belief in our justice, and one that would receive the approval of our fellow citizens—and in putting it in the form of a resolution I would move Mr Chairman

That Mr Van Bokelin make use of the best method in his opinion for notifying Byrnes by this evening that in as much as he has appealed to the Committee of Vigilance to be heard in his defence, that, the said Committee will be ready & expecting to hear him at their Committee room on Battery Street between the hours of 11 & 1—on Thursday morning.

That Mr. Van B. be authorized to assure Byrnes that he shall go from among said Committee after examination free & unmolested.—

That, The Ex Comtee be notified to be in attendance on Thursday at 11 o'clock (unless contrary notice be given) then & there to hear and decide upon the testimony of Byrnes

That, Should Byrnes prove to the satisfaction of the Comtee his innocence of the charges of associating with & participating in the acts of, the bad characters infesting this City; the order for his expulsion shall be recalled—But if on the contrary he seems worthy of the suspicions entertained against him, the order shall remain in full force.—

And in the latter case

[*That*, An address to our fellow Citizens be prepared for publication in the morning papers setting forth all the proceedings against said Byrnes—& the fact that he had been unable to vindicate himself—and that the Committee would proceed at 10 O'clk on the morning of Friday next, to expel him from among this community; calling upon all good Citizens for their cooperation in case of an organized resistance on the part of the confederates of said Byrnes,

That M^r^ Van Bokelin shall also notify Herrington that the same privilege of a hearing will be granted him on the above named Thursday[1]]

Statement of Thomas Burns

To the Secretary of the Committee of Vigilence

Sir I arrived with my wife and 3 children in San Francisco on the 6th of May 1850 and lived in the neighborhood of Battery St Clarks Point and leased a house Belonging to Mr Hood and Wilson they have known me from my arrival hear. On the Marrage of my Daughter I left the House and took a nother on Clarks Warf Belonging To Mr Brooks Tinman and Remained there untill I was Burnt out in May Last when I was forced to take shelter with a Friend a Shipwright By the Name of Connolly [who] took the house Uncle Sam in Dupont st on the 1rst of May Last and Died in five Days after I Believe Jenkins was the proprietor For some Months Before Mrs Connolly sent For Me on the Morning of the 6th of May and said her husband was Dead and Requested me to come up I Did so she told me the Doctor had been here I Did not Feel Satisfied[2] I went for another Doctor Myself he told me Connolly Died of Applexy I then went For the Coronor to investigate into the Case he Did so Mrs Connolly Requested me to stop For a month I Did so having no home of my own for My Family not knowing the Carracture of the House, I Cleared out as soon as I got a house I told all of them to quit I Believe Jenkins stoped 2 nights in my house in Broadway But I having no knolege of him Being there the Rest of these men I First saw in the Uncle Sam they were living in the House when I went to it, might not any Man got into the same Scrape as I have
I must not Ask Every Person that comes to the House who the[y] are

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[1] The paragraphs enclosed in brackets are crossed out. Neither the *S. F. Herald* nor the *Alta California* published any official statement on these cases.

[2] See also note 4, p. 53.

[June 18, 1851]

During my residence In this City I never was Brought Before the Authorities untill a few Days since For my Door not Being shut at 12 Oclock[8] the Next Day fined for Assault and Battery upon one of the Witnesses. I never Did it But was ther, But give a Dog a Bad name and hang him it would not have takin Place But we Both were in an unnatural State of Excitement

Gentlemen I have Left an oppressed Country to Seek Shelter for My Family on the Shores of America and to be forced away Like a Dog without knowing what Reason I think its very Hard

I want no Favour From Any Man only a Fair Hearing and if Gentlemen you Bring any Charge to my Honesty you are at Liberty to Punish me as you Like In Conclusion I Beg of you if you are not Satisfied with above Statement and those Partys Whom I Can Produce Before you that you will Extend the Period for My Leaving this City I have Paid $600 for Rent in Advance and $400 For Fixtures untill I can sell my Lease I and My Family are Destitute of a home

Gentlemen I can produce to your satisfaction the Maner I get my Living if you will take Trouble to see My Bills and Receipts From Many Merchants in this City

with all Due
Respect I am sir
your Very Obt Servt
[Signed] Thos Burns

[Endorsed:] 2–17th Referred to Van Bokkelin

Report of Chief of Police. June 18th 1851

The night watch on duty Tuesday 17th June report nothing new, or important, a larger number of rough characters were in vicinity of Broadway & Clarks Point than previous night. but disappeared by 12 Oclock

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[8] A city ordinance required the closing of all bar rooms at midnight, but, with the connivance of the police and courts, saloon keepers had evaded its intention by closing at twelve o'clock, and reopening within a short time. The *S. F. Herald*, June 11, protested against this subterfuge, and announced that in future the recorder intended to enforce the spirit of the law, and later issues reported that the proprietors of the Bella Union, El Dorado, and several other notorious saloons, had been fined from $10 to $50 each.

Mr. Byrnes was not seen in his house all quiet, but was seen in a house on Ohio street where he remained 1½ hours. Also in Dupont Street bought house considered bad, not seen this day House remains as last week

Herrington no alteration observed on his premises was not seen last night— this day at 5 O'clock meet him in Kearny Street no news from him

In day rounds discover a great falling off in the Patrons of Houses on Pacific Street.

Respect Submitted
[Signed] J. L. Van Bokkelen
Chief of Police

To Ex^t Com^t
Wednesday June 18^th 1851
[Endorsed:] 3 June 18/51

John Wright. June 13. 1851

San Francisco 13^th [?] June 1851

Honord Sir

Noing how this city his infested with a certain class of people I have made it my business to look out for such people has I no standing at my door yesterday evening about eight Oclock saw a man coming who I had seen under suspicious circumstances a few minutes before[4] he was coming in the direction where I stood I saw no person near who I could call upon I was determined therefore to secure him myself if possible I asked him who he was or where he was agoing and the reply I got was a nock down I jumped up in a moment and pursued him but he was just in the act of getting over a paling fence at the time I saw his hat fall off he picked his hat up but had not time to pick the contents as I got over one fence he was just getting over the other fence it was very High and he got hooked agoing over it and has the fence was very high I had no chance of getting over till he was out of sight I found this morning a beatiful Gold watch and chain where he had got over

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[4] This was a man called Morgan, or Old Jack, who was escaping with stolen jewelry (see Wittaker's Confession, page 476). This letter was not printed in the *Alta*, but handed to the Committee for investigation.

[June 18, 1851]

the fence he left that behind besides the contents of the hat which all will be brought before the proper authorities in due time I no the parties they are three in number I shall produce them with the other property in a few days I hope has I have a strict eye on them

I remain Your Most Umble Servant
a friend to society
[Signed] John Wright
Upper end of Washington Street

[Annotated:] Refered to Ex Committee 19/51

[Addressed:]
To the Editor of the *Alta California*

[Endorsed:] June 18/51

John Hennessey's Statement

Statement of John Hennessy Connected with the Comisary department Launcerton Van Diemans Land for 8 or 9 years—previous 12 years in the army and Shows his certificates to the same as being Vigilent Sober and honest, Lives on North Beach—keeps a boarding house and follows the boat bisness

States that Mrs White is one of the worst of Convicts—and lives on the north beach— does not know positive that her husband is a convic— but knows him to be a bad man— Has good reasons to believe that Hedrington is a Convic and his house on north beach was resort of Jenkins— and and three or four others who left the morning after Jenkins was hung on the bark *Jane, Francis* for Sidney— has known Jenkins for eight years as a convic in Sidney— and to be a desperate man— Has been robbed of five hundred dollars by convics about three months ago— Stephen Britz is a notorious Convict and was cook for Burns when he kept on Dupont street and thinks he is about Burnses house Robbert Blithe has been in the police for some time, and thinks he knows every notorious crib in the City—and lives with me in my house

A house of one of the Police has been pointed out to me as being redesvous of thieves it is opposite the New England house

[June 18, 1851]

He thinks that Hedrington has communication with a party at San Parblo on the other side of the bay where stolen goods is taken

[Annotated:] accepted—ordered on file
2/18

[Endorsed] Filed

THURSDAY, JUNE 19, 1851

MISCELLANEOUS PAPERS

Dr H S Gates. Relating to cases of Thomas Burns. Banished June 18. 1851

San Francisco June 19 1851

Exe^{e} Com^{t}

Gentlemen, I have just bin informed by Doct. Colyer (the Moddle artist man) that while he was a member of the Grand Jury for San Francisco, information came before the jury that there was a place called the (he thinks) Port Philep House, near the foot of Jackson St. used as a repository of stolen goods, and kept by a Sidney man by the name of Burns[1]—(And further that the information implicated some of the then members of the city Police— He at the time wished to investigate the matter but a majority opposed

[Signed] Doct. H. S. Gates

Doct Colyer can be found at the mansion house

[*Letter from Fordham and Huntting. Case of Burns*]

Gentleman of "the Vigilant Committee"

By the request of Tho$^{s.}$ Burns we will state, that for two months previous to the fire of May 4$^{th.}$ he was living in the house next door to us, and during that time we never had cause to complain of noise or disorderly conduct. About the characters of his boarders we knew nothing, and they never gave us cause either to enquire about or suspect their characters.

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[1] This was an error, Burns had kept the Shipmans' Arms, formerly the Uncle Sam, and the Port Philip House was kept by Sam Whittaker and Teddy McCormac, accomplices of James Stuart (see p. 465).

Yours &c
[Signed] Fordham & Huntting
Proprietors Broadway Restaurant

San Francisco June 19th, 51.

[Annotated:] file—of the evidence

[Addressed:]
"Committee of Vigilance"
San Francisco

Testimony in the Cases of Burns & Heatherington.

Mr. Brinley appointed Sec-protem.

Mr. Hood's testimony— About 12 months ago rented Mr. Burns a house in Vallejo St had it for about 9 mos—He then left and put his brother in law in—during the time of Mr. Burns residence knew nothing of him but as being an orderly citizen-- left some 4 months ago.—Never was in the house at night—has seen some company in the house always paid his rent regularly—

D. S. Turner Secy

Richard O'Neal— resid Cor Vallejo & Battery Sts—since last July—near Market knew B since last July B. kept bar & boarders—no name to house—saw nothing but sailors.—saw nothing improper—lived within a few steps of the house night & day—always orderly—B resides Cor Battery & Bway keeps sailor boarding house—B lived above me six months—was disturbance one night at his present residence—nothing at his former residence the house that B occupies at present is a new house—put up since the fire Has always lain down with a pistol Supposes that B— boarders were sailors who came staid a week or so when they left—the second house he occupied was called Boatman's arms, or something of that sort Can not state positively that he ever saw suspicious characters about Burn's house.

X ex by B— [*Cross Examined by Burns*] While he lived over my house was continually on the premises—thought B a good business man— Know of a row with Levius—passes by Levius—who called me into his house & said he had got into a mess— I told him served him right for getting drunk he wished me to settle the affair between him & B— He requested me to see B & see if they could be friends again— I saw B— they came to my place—said they were sorry for what had happened I said they had better shake hands & be friends— Mr Levius said he was sorry—and did not know that his watch had been taken in his house—might have been taken in the street—have never seen suspicious characters about Burn's house—witness keeps his market open until 9 o'clock—witness lived 4 houses from Burns —leases a house from Mr. Hood—My father is an Irishman I am an american citizen—dug the cellar for Mr Brannan's house buys my Beef from McKinley—Van Housten Woods & others—knows that butchers buy from Boats on the beach—there is a market below me [kept by[2]] Byron—the police officer knows about him.

[Signed] Richd O Neil

Voted to swear witness

Hudson de La Montagnie (*Sworn by Payran*)— Have known B— over two months W[itness] lives at clarks point. B hired a house of me—know him only by sight previous—knows he kept drinking & boarding house was never in it at night. knows nothing of him either good or bad—knows no person who visits his house—house was[. . .] Arms

X X B—[*Cross Examined by Burns*] thinks it was Watermans Arms did not see any thing wrong about the house nor ever heard any one say any thing against good character of house have not known anything of B being brought up by Recorder—keeps tin & stove store on clark's point—B. has traded with me before he hired of me do not know of suspicious characters in my vicinity— B has never offered me any good[s] on sale—am citizen of U. S. bad memory.

[Signed] H. de La Montanya

Charles Scott—(*sworn by Payran*) have known Burns a year—he was then a Boatman—I then went to Mission[?] & when returned found B keeping a boarding house—& went with [him] for near six or eight weeks—was lightering for C F Jones[?] & Co. during that time knew nothing out of the way—kept boarding house & bar—never saw suspicus characters about the house—boarders principally sailors—was not acquainted with his house for a few months past—until he came to clark's point—am from Mobile—do not know any thing against the present good character of his house—have been at his present house—cannot say that B— is generally at home in the evening—but think he is—have generally looked in when I passed— W[itness] now boards at "our house"—does not know Russel [3]—does not know Hetherington—never kept a house here—

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[2] The words in brackets have been crossed out.

[Signed] Charles Scott

John Harris—(*sworn by Payran*) Came from "Austria"—know B— 13 months—B lived at clark's point—in a tent—moved to a house near—first was a boatman—then kept boarders—kept a decent house—such as any good man would keep—woman & two children—never heard any noise or quarrelling—never saw bad characters—in the house—I know B as an honest a man as any one in S Francisco—knew him in four different places—always found him good man—never heard of row—W[itness] keeps boarding house & bar—am two years in S. F.—keeps Ship Inn—was naturalized in N. York—kept a boarding house at Macao

X X B—[Cross Examined by Burns.]—knows Levius—heard that he lost a watch in B's house—heard also that Levius house had been robbed—always thought B and Levius were on good terms—can lodge 12 or 15 men—do not know any bad characters in my neighborhood

his
John X Harris
mark

Burns statement Arrived here in May last year on Brig

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[3] Russell, "the Tinman," and Russell, alias "Moey the Jew" are mentioned in various statements and reports. Thomas Ainsworth used the name as an alias, but says he was not Russel the tinker.

Maguasha—from Hobart Town—was seaman on the *Antioch* [?] & pd passage for wife & 3 children—on arrival bought a large tent & occupied it some two months—then took a larger one—as we were ordered from street—was boatman on C wharf—for 4 or 5 months—then took house of Hood 6 or 7 months—bar & boarding house My daughter got married I gave [up] the house & went to Clarks point—then was burnt out on the 6th May—Connolly took the Uncle Sam Dupont St—went to Connolly—who died in the night—had not been sick at all—saw him at 12 O'c the day previous—was well—both me & my wife went up—Mrs Connolly went to C in bed at 3 & at 7 P M—when he said he preferred to sleep—at 12 at night she went to him & found him dead—my wife thought he did not die a natural death[4] knows nothing of his drinking previous—& so said at the time—Mrs. C said that Doct Zilie[5] had been there & said that C died of Appoplexy—I did not feel satisfied & went & brought Doct Brunce[?]—he came & examined the body & said he died of appoplexy—C—friends felt dissatisfied & I went to the Coroner who investigated—got Doct Z certificate—Mrs C asked me as I had been burned out to stop with her for the month—Mrs C took the house on the first of first of May from Jenkins—who had kept it for some time previous—Jenkins & Hughes alias Swan & others were occupants of the house at the time of the death of Connolly—police officer came & took Hughes[6] Jenkins was then in bed—did not know Jenkins before—did not know the names of others—Adams was taken from this house—when Connolly went to the house he altered the name to Shipman's Arms—when I found the character of the house I decided to get out of it & get into my old neighborhood—I got to my present house about the 6th of June—was never before the recorder before—until this affair of Levius—at my present house had a good call at

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[4] There was a prejudice against Mrs. Connolly because she had been intimate with Jenkins. These insinuations, and the fact that she soon remarried, led to her arrest by the Committee, on suspicion of murdering her husband. She was, however, completely exonerated, and discharged, but her second husband, Martin Sanphy, a dangerous character, was ordered to leave the state.

[5] Dr. Frederick J. Zeile was a pioneer San Francisco physician.

[6] Hughes is frequently mentioned as a confederate of more notorious thieves.

[June 19, 1851]

first—was completely full with boatmen & sailors previous to leaving the Uncle Sam I gave Jenkins & his companion order to quit—Sunday night after I went into—Mr Levius & companion came in at 11 O'clock—as I came out of parlor with tumblers—Levius says what will you do I says nothing as I am rather busy Some one think it was Jenkins said we drink nothing here but champaign—there was none in the house Levius friend turned round & said a bit of lead would do you more good—a row took place when I went in the parlor—they rushed into the street—the police man took Levius's friend to police office—when I went to bed—I looked to see who was in the room—I found Jenkins in bed—I said to him I thought I ordered you to find fresh lodgings—he said so late I could not go—I then left him—Next Wilson knocked at my door after 12 at night the Constable then came & said he would arrest me because my house was open after 12 O'clock—next morning Constable came to find witness—did not know Jenkins' character—nor Swan's character—one Wilson who was at the Uncle Sam now comes to my house—Wilson is now boatman on Clark Point—think Levius a very good sort of man—employed Mr O'Connor and Mr. Parbut as lawyers—never saw Adams until he was taken out of the house by police officer—does not know one convict by name in San Francisco—never had any convict in my employ in San Francisco My cook for 9 months—James Kingsford, my other cook Britz—do not know that he was a convict—know that Britz went from Hobart Town to Launceston—and that he was no convict—it is 18 years since I was in Launceston—was acquainted with Britz seven years in Hobart Town—he is now carpenter on board a ship in the harbor—Britz left Burns at Hobart Town & went to Launceston—always supposed Britz to be a sailor—discharged—was mate of a ship when he first knew him 20 years ago—then known as an honest man—became acquainted with Britz immediately after my arrival in Hobart Town have known him as employed by the government for some time—understands that Jenkins was a vile character where he came from and that his character since he has been here is of the worst kind—have not heard that any have left on the *Jane Francis*—since Jenkins was hung—was never sent to the Colonies as a Convict—went there as a sailor boy—and run away there—do not know any suspicious characters among the police—only know Montgomery & Strong—Jenkins was not a boarder in my house at the time he was hung—slept in my present house only twice—would have felt disposed to give notice of any bad characters to the Committee—had it existed—Now keeps the M^c^Manus Welcome—have seen Mrs Yates—she is much among the bad characters—do not know any receivers of stolen goods—but believes there are such—none have had occasion to give reports of me—I have never given any one an occasion to do so—Jenkins always went to bed before I did—while at the Uncle Sam—Mrs Connolly is from Launceston—M^c^Kenzie [7] & T—also—have been in my house every night since I have had notice—to leave—for five days past I have not been ten yards from my house

[Signed] Thos Burns

W^m^ Levius *sworn* knows Burns' house lost his watch—there—there are bad characters there—do not know the names—during the row one fellow grabbed the watch and took it—11 or 12 at night a good many were there—bad characters have been at Burns house—do not know of any—the man's name was William who was arrested at Burn's house—

X X Burns—[*Cross Examined by Burns.*]—Was always on good terms with me—am an Irishman—was tight when I went to Burn's house—called for liquor—& because I would not give champaign—they kicked up a row—keep the Columbia Restaurant—believes that Burns came with two men to my house when I was struck—was in Burn's house some times—knows Burn's cook—says he is a bad character—perjured himself—do not know any convicts—know King a convict—6 ft. high—stout made—Was not robbed of my watch by any wish of Burns—did not say any thing about his watch at the time he lost it—

[Signed] W. Lavers

Mr. Van Brokelen Calls upon Mr. Reynolds respecting notice served upon Mrs Connelly. Make report—Viz—

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[7] Robert McKenzie (see Confession of James Stuart, note 27, p. 232).

[June 19, 1851]

Found "Uncle Sam" House, inquired for Mrs. Connolly, found the house in possession of Mr. Gorham—did not know Mrs. Connolly—saw a female in the back room—remarked that *she* might know her—asked the question and rec^d an affirmative reply—had lived in the house, but had recently left.—recently lost her husband suddenly, in the mines. Had gone to live with Jim Burns on Clark Point—the man & wife now occupying the house had been there but a short time.

[Signed] Benj Reynolds

Mr^s Jane Conolly— When I first took the house did not know its character When Myself & husband bo^t out Jenkins—learned afterwards 'twas a bad house was in it five days when my husband died—On the 6th sent for M^r Burns to stop with me for a month—Think my husband died of apoplexy.—Requested M^r Burns to buy me out—Intended to return to Launceston in the Colonies—Did not know M^r Jenkins in Van Diemans Land—M^r Burns & my husband were at school together in Liverpool—Wednesday after the fire gave up the house.—Did not know bad characters in the house. M^r Burns had entire charge never heard him speak of bad characters.—Dr. Zely said he died of apoplexy at about 8 or 10 in the evening.—Burns came in morning—Jenkins staid in the house knew him but no others.—M^r Jenkins, I never knew anything of him—never saw Burns with him Believes him honest—M^r Burns did not stop in Uncle Sam because it had a bad name.—Never saw the present occupant before he bo^t out Burns.—Never heard of Adams—went to bed early.—never saw much of the men—My husband was a shipwright by trade, an honest man, small eater, never drank. Never drank before he came to S. Francisco. He had drank before lying down was not intoxicated, took one glass of ale—drew it himself—Does not know any of Jenkins' associates, or that they had left the town—Never saw Burns talking with Jenkins &c privately.—I went to Van Diemans Land in 1842—with the intention of going to California.—Don't know M^{rs} Yates—Was for sometime in Launceston several years—Left Ireland with the intention of coming to Valparaiso heard of the mines before I left home married in Launceston—in 1845.

—Was not out last night.—Mr Conolly went to Van Diemas Land as ship Carpenter.—was there 3 years before I was married. My husband came as Carpenter in *Swan*. He went back for me & we returned together in the *Rory O'More*—myself & husband, Mr. Hewes & Swansey were all the passengers. Have heard my husband speak of many bad people from Colonies, never of Mr. Jenkins.—Gave Jenkins $150—for good will, $70 rent—My husband was in Colonies 3 or 4 years before I arrived there—Know no females from Sydney &c. I am sure I left Ireland in 1842. was more than 3 years in Van Diemans Land. Aaron Aliot is my brother he went to Port Phillip.—is not here, I have no relatives here. I am positive I came from Ireland on ac[count] of hearing of the gold mines. Mr. Burns is my protector know that he was in the house all the past fortnight—I was out of the house Tuesday last in the morning between 9 & 10 o'clock, at Mr. Upton, grocer in Stockton St.—went to Mr. Burns two or three weeks ago.—Do not feel intimidated in giving my testimony. I have said nothing through fear.—Mr. Burns has no particular friends. Never have seen any of his friends. have been here since March. Heard after taking house that Mr. Jenkins came from Van Diemans Land. Hennesey also—a hard working man. Knew him in Van Diemans Land he was messenger for the Commisary. Burns is from Hobart Town.—Burns was at school with my husband in Liverpool. Knew Burns had received notice to quit the country.—My uncles name is Crawford in Valparaiso Keeps grocery in Mueskellan.

her
Jane X Conolly
mark

Van Bokkelin (In Committee of the Whole) Burns states he has not been out of his house—he was seen on Montgomery near Pine—on Monday night by one member—another member found him in a house on Ohio St—last night was seen in the Valley—Mr. Ryder states he saw him in Battery st—last night—coming from Sydney Valley—& on Monday night at a house on Montgomery—near Pacific St—

Haughton[?] says—met Burns at the Corner of Montgomery

& Pine St light thrown full in his face—had his Panama hat on —have seen him in his house Cap Kemp knows Levius—& he told me Burns was a very bad man—Levius promised if I would call on him at any time he would point out—any convict whose residence might be known to him—

Oakely—295—knew Burns ten months ago—he was boatman —ten months after opened boarding house—bought liquor of me —two men left his house because thieves were in Burns house the two men were Frank & Finnegan

Report of. Ex Committee—as regards Burns—presented & accepted.

Report as regards Hetherington—presented and accepted—

Committee appointed by the Chair to arrange measures for procuring the absence of Hetherington at 10 O'clock to morrow morning—F A Woodworth E M Earle R S Watson Van Bokkelen appointed said Committee—

On motion—

ordered that the patrol be increased to 100 men—

On motion—

Ordered that secrecy be enjoined upon all members—relative to proceedings adopted this evening

On motion—

Ordered that all members be enjoined to attend at the room to morrow morning at 10 o'clock

Col Huie—states that the handbill published calling a meeting of citizens opposed to Vig Committee—was produced—by Judge McHenry[8] & D. C. Broderick

W. H. Parker says—that Judge Mc Henry threatened him with personal violence if he did not give to him the name of a party who charged Judge Mc Henry with writing the article—

On motion

adjourned to 10 o'clock 20th inst.

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[8] Jesse McHenry, and John McHenry were lawyers, at 118 Montgomery Street (*Parker's Directory*, 1852). The *Cal. Courier*, June 19, said that the handbill was the joint work of a "State senator and an attorney at law, formerly a judge in the States," but in the next issue, the same paper stated that more thorough investigation had shown that the men designated had not been connected with the matter.

June 19

The Executive beg leave to report to the Vigilance Committee here assembled that they have spent the entire day since 10 O'clock A. M. in hearing the Vindication of Burns, & as they do not consider the justification of him to be satisfactory, & as they have not had time to examine all the evidence with regard to him & expecting still further evidence, they recommend that he be allowed to remain at present, and that his case be continued before the Committee for 5 days longer 19/51

[Annotated:] Report accepted

And that they further recommend that inasmuch as Hetherington has not asked any consideration of his case & as there is nothing adduced to alter our views that the order for expelling him be carried into effect to-morrow morning at 10 O'clock—

[Annotated:] Report accepted 19/51

[*Recommendations in the Case of Hetherington*]

First: To gaurd him properly during the night by appointing a strong patrol, with proper reliefs, whose duty it shall be to ascertain the culprit's whereabout and to remain near him until 10 o'clock to-morrow morning when they shall report to this Committee by a messenger where the man is to be found.

Secondly: That the prisoner be brought to the head quarters of this Committee in irons and there remain under guard until arrangements can be made for a passage for him to the British Colonies.

Your committee propose that the entire Vigilance Committee meet in this room at ten o'clock to-morrow morning for the purpose of receiving the report from the patrol appointed to watch the prisoner, and if such report should state that he has refused to obey the order issued by this Committee, by refusing to leave San Francisco, then the Committee shall proceed in small detachments, to avoid suspicion, to the place indicated by the messenger, and when there assembled, proceed to carry out the measure embraced in the second proposition.[9]

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[9] According to the *S. F. Herald,* June 21, this plan was successfully carried out.

[Signed] Fredk A. Woodworth
" E. M. Earl
" James B. Huie
" J. L. Van Bokkelen.

[Annotated:] The Com: Report adopted

Order of Finance Commtee. June 19th 1851

The Sergeant at *Arms* will pay the fees he has Collected over to the Treasurer & Report all deficiencies—

[Signed] Wm H Jones
" Geo. R. Ward } Finance Committee

June 19, 1851

Communication from George Gibson. Case of Hall & Spiers for Poisoning an Indian. June 19, 1851

San Francisco June 19, 1851

Messrs Brannan, Ward, &c &c of the Vigilance Committee

Gentlemen A publication in the *Alta* of this day relating to the examination of the body of Frank Brewer by Dr. Mathew P. Burns testifying to the discovery of Poison (Arsenic & Morphine) by proper chemical tests, for administering which two men Hall & Spiers were arrested and are now awaiting trial, has just met my attention, I am a member of the Committee and of course anxious, that full justice should be done., It is said that a principal witness against these two men, left here in the last steamer, so that a conviction can hardly be obtained before the court. If these men are suffered to go free upon such defect of evidence, tho other circumstances would point strongly to their guilt, Would the Committee of Vigilance take cognizance of such accidental escape. If so then it is probable that I should be called upon with the rest of us to reexamine the evidence, judge these men, and if proven find them guilty and carry into effect the decision whatever the sentence may be.

It is in view of the possibility of such a necessity, not shrinking from any responsibility that I would respectfully offer a few remarks. It is well known in medical jurisprudence that there are many great difficulties in cases of poisoning which should render us much more than ordinarily circumspect, it has been said by celebrated writers upon this very subject that the reduction of the substance supposed to be in combination of Arsenic and the actual production of metallic arsenic therefrom is the only result to be effectually relied on. I do not see that this has been the case and medical men know that many purely foreign causes would produce appearances of the stomach and intestines similar to those described. I am not personally acquainted with Dr. Burns ability to test this matter he may be or may be not fully competent, the testimony would have been much more satisfactory then had it been supported by coadjuters who are as well perhaps better known than Dr. Burns. Say Drs Hastings, Bowie, Chapin, Buchner &c. If this subject is taken into consideration now in view of the possibility of action being requisite, if evidence thus corroborative is procured by applying to these or other respectable medical men, we shall be able to answer to our consciences in future much more confidently, if the examination essentially a cool and scientific one has been entered into with perfect calmness than when at the last moment with blood heated, and surrounded by an excited assemblage, dispassionate judge ment will be impossible.[10]

It may be that all of these remarks are premature, that you will let the law have its course and abide by the decision of the court, this then only is my apology for troubling you, I feel the awful character of our responsibility too seriously, to fail in any effort which may further a correct judgement.

I remain Gentlemen
Yours Very Respectfully.
A Member—

[Annotated:] From George Gibson No. 284 file
[Addressed:]
To the Executive Committee of the Committee of Vigilance
[Endorsed:] 2 June 18/51

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[10] Dr. Burns' report was published in the *Alta California*, June 19. His conclusions, questioned at the time of Hall's trial, were sustained by other physicians who repeated the examination.

[June 19, 1851]

[*Letter from S. W. to J. Taylor, Marysville*]

San Francisco June 19th 1851

Old Fellow

Look out the *Hawks* are abroad and after you, both here and down below, you had better keep in the upper County at present, I can say no more at present

Yours

[Signed] S. W.

[Addressed:]
In Care of S Stewart
J. Taylor
Marysville
Yuba County California
Fremans Express

FRIDAY, JUNE 20, 1851

MISCELLANEOUS PAPERS

[*Draft of Resolutions*]

Resolved That the Exectv. Committee every morning from nine to Ten o'clock every morning, and no member be compelled to remain after ten o'clock

[Annotated:] passed.

On motion

Resolved That Russel alias "Moe the Jew" Thomas Scott Mr White John Burger alias "Spring Heeled jack" Ben Sellers, be arrested immediately

San Francisco June 20. 1851

[*Report of Suspicious Characters*[1]]

√ Russel alias "Moey the Jew" Aged 40—5ft 7-8 Hair black, swarthy, dark beard, eyes dark brown, mouth broad—upper lip straight, scar on the right side of the chin, nose straight—eyes sunken—not like a Jew—very smooth and plausable in his address, when he gives his eyes a peculiar expression—(married—one boy two years old) round shouldered but strongly built, chin round.

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[1] This paper, and those immediately following, are printed in full, to illustrate the Committee's method of investigation. The first, evidently furnished by Dr. R. R. Nuttall, was checked and annotated to show what information had been obtained, and the supplementary report of Salmon was intended to place before the Committee the names requiring more thorough investigation. Of these, Thomas Scott is the only one that has any further importance.

× Charles Becket, Aged 40, 5ft 5 in nose rather hooked—hair dark—Some front teeth gone—mouth down at the corners—little or no whiskers—chin pointed with a marked dimple in the centre—stoops—thin small face, sallow—eyes dark [Annotated:] Shot in San Francisco for stealing.

× John Burgess alias "Spring heel'd Jack". Aged 33, 5 ft -11 or 6 ft. narrow strong build—very wide mouth with irregular black teeth—high cheek bones—long and large feet—small pig eyes—sunken, snub nose with bridge depressed—long upper lip, sandy whiskers—fresh colour. Single man—one front, upper tooth, right side, gone. [Annotated:] Left,—I believe—Lived here under the name of [. . .]

√ Ben Sellers, Aged 41 5ft 11 or 6 ft, high cheekbones, freckled, pitted by Small Pox, sunken eyes—gray-brown hair, no whiskers, strong, square build active man—mouth very wide. Married no children.

√ John Malcolm, Aged 20 5ft 7in Small "pig eyes" gray, high cheek bones—no whiskers—strong—hair light—complexion fair—acted as joiner on board the "*Orator*"

× Porter At. [aged] 44 crooked eyes—brown —straight hair—rounded shoulders, 5ft 5in—a sweep—long toes—sallow complextion—left for Sydney Married 2 children—

√ Thomas Scott, aged 40—a tailor—5 ft 4 in dark eyes—marked eye-brows—curly hair— strong—strait mouth

√ Fitzpatrick (Irish) Aged 44 5 ft 6—pale well made—dark hair high cheek bones—small grey eyes—determined look—stands with his hands on his hips & has a habit of twisting his mouth after he speaks—broad across the jaws.

[Annotated in handwriting of Samuel Brannan:] Dr. Nutall, pardner of Dr. McIntosh

[June 20, 1851]

J. W. Salmon Report in relation to Russell Ben Sellers John Malcolm Thomas Scott Fitzpatrick

No. 1 Russell alias "Moe the Jew" Aged 40 years, height 5ft 7–8, black hair, swarthy complexion, dark beard, eyes dark brown, mouth broad,—upper lip straight, scar on the right side of the chin, nose straight, eyes sunken,—not like a Jew,—very smooth and plausible in his address, he gives his eyes a peculiar expression,—Married, one boy two years old, round shoulders, but strongly built, chin round.—Can be found in a house on Sansome st: near Pacific

[Signed] J. W. Salmon

No 2 Ben Sellers,—Aged 41 5ft 11 in: or 6ft:in height, high cheek bones, freckled, pitted by small pox, sunken eyes, colour gray, brown hair, no whiskers, strong and square built, active man, mouth very wide, married no children.—

No. 3 John Malcolm Aged 20 5ft 7in: small pig eyes color gray, high cheek bones, no whiskers, strong, hair light, complexion, fair, acted as joiner on board the *Orator*.—

No 4 Thomas Scott, aged 40, a tailor, 5ft 4 in: dark eyes, marked eyebrows, curly hair, beard, strong, straight mouth, on Montgomery above Pacific Sts.

[Signed] J. W. Salmon.

No. 5 Fitzpatrick (Irish) Aged 44, 5ft 6 in:, pale, well made, dark hair, high cheek bones, small gray eyes, determined look, stands with his hands on his hips and has a habit of twisting his mouth after he speaks, broad across the jaws.—

Memo: in Scotts house there are two men who make it their headquarters by name John Gorman and —— Malcolm

The above is copied by the undersigned from the original tendered by a friend to the association or Committee through

J. W. Salmon

Statement in relation to The Jew Scott White

Russel alias "*Moe the Jew*" can be found in a house on Sansom near Pacific

Thomas Scott Tailor—on Montgomery at his house there are two men who make it their head quarters by name John Gorman and Malcolm

Mrs White on north Beach is a convict

Report of Police in the Case of Mr Burns
San Francisco, June 20, 1851

The Chief of Police would respectfully report''

That the Notice of extention of time granted to Byrnes for 5 days was served on him this morning—at his residence to which I took the Liberty to attach as ''follows ''This notice expires on Wednesday morning 25th June at 10 Oclock''

The note was delivered to him personally.

As regards General locations & marked individuals everything is progressing finely, with a prospect of work ahead''

I would urge the propriety of Mr Etherington departing on his sea Voyage at an early a period as possible.

The special Committee despatched to secure such effects as might be found in Etheringtons tent have convey to Head Quarters The Articles found. except such heavy articles as were placed in Glen & Co Ware House for which a receipt was taken ''which together with Inventory'' of goods in Room'' subject to your instruction

[Signed] Respt. J. L. Van Bokkelen
Chief of Police

Friday June 20th 1851
[Endorsed:] Accepted & placed on file

Receipt of Sundries deposited in James King of Wm hands a/c of Hetherington

Received San Francisco 20 June 1851 from the Treasurer (Mr J. W. Salmon) of the Vigilance Committee a bag containing sundries a silver watch—sealed with his seal.

James King[2] of Wm
per Wm Hammond

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[2] James, son of one William King, adopted the sobriquet of James King of William, in distinction from others of the same name. He was a member of the Committee, and, at this time, a banker in San Francisco, but failed in 1854, and, a year later, established the *Bulletin*. His course

[June 20, 1851]

Mr Hetheringtons Statement. San Francisco, June 20, 1851

Born 1812 in Richmond V^{a} 18th of July—Came to this country from Sydney in the ship or Bark *Orator* Capt Tate

D^{r} Nuttall was the physician—Captn. T & D^{r}. N. will vouch for prisoner.

Mr. Creswell came in ship with him and now lives in a cottage on the r^{t} hand side going down to prisoners house

Mrs. Wilson kept the "Heart & Hand" in Dupont St north of Pacific St. Now lives opposite to that locality—

M^{r} Scott also came with him. understands him to be a married man but did not bring his wife—Scott is a Tailor

Mr. S— was supposed to have committed a robbery on board the ship—

M^{r} W^{m} Byatt came also in same ship. Is the person who was in the house when prisoner was arrested—

Made his money by selling liquor and trading with a man named Jno Dixon at Don Castros Boatman who takes passengers aboard *Jane Frances* is an aged man near sighted and has a red bowed boat. never heard a word of any one departing from N Beach by that vessel knows no one that ever left from there. Dont know anyone that left—knows Mrs Becket & a man who lives with her knows Mrs Collard—Prisoners wife left him three weeks or about after their arrival here. Married in Preston England. Born in Richmond V^{a}. and served an apprenticeship in Liverpool—

Never wrote to any one claiming protection as a Virginian. Left Richmond V^{a} when six years of age. Is a ship Carpenter by profession—left Liverpool in 1842 and was about 30 years of age. left Richmond in 1818—

Testimony of Wm Byatt. Case of Hetherington

William Byatt— From London in Bark *Agenora* to Port Adelaid and from Port A to Sidney from Sidney to San Fran-

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as editor of that paper resulted in a quarrel with James P. Casey, who shot King, on the street, May 14, 1856. This cold-blooded murder furnished the occasion for the revival of the old Vigilance organization, under the form of the Committee of Vigilance of 1856. Full accounts of King's tragic death can be found in all books relating to the period, especially in Bancroft's *Popular Tribunals*, II.

cisco in Bark *Orator*—has been here about 14 months, has been with Mr Hetherington 2 weeks—3 months in Hospital—mariner by profession The other mans name is Searle, who resides on the hill to the right of Glenn Cos Store—Mr Hetherington came home last night about 12 oclock at midnight—

Left London in Jany 1849 then to Sidney Arrived in Sidney in 1849, had about 150 passengers when he came here Heard of Hedtherington Arrest for assaulting a woman Charles Brewer formerly lived with Mr H— Have heard Mr Hetherington say he has been in Sidney 17 or 18 years— Mr. Brewer fired a Gun 3 nights since at a rat[3]—usually burns a light at night—Mr Hetherington sold the *Horatio* a small Boat on the 13 of May Boat sold to Mr Jacobs—Boat sold for 130$

[Signed] William Byatt

Statement of Wm Byatt. San Francisco, June 20, 1851
Case of Mr Hetherington

Have been in Mr Scotts house Know Mr John Gorman keeps ship wrights arms in Dupont St Mr Beckets wife lives on Stockton St on the left going to the water—I am satisfied some of the passengers with me were bad, know nothing of Russell except as a passenger Saw Fitz Patrick 4 or Five days since on Long wharf know nothing of his profession Dont know whether Mr Scott is connected with burglars—Mr Herringtons whife left him because Mr H whipped her Has heard Mr Herrington say he lived in in Sidney 17 or 18 years—Mrs Herrington lives with Mr Richard Snook at Negro Bar in the mines—Mr Herrington has lived for 12 months where he was taken today Mr Fitz Patrick I have heard was a convict—I know positively that Mr Herrington has carried on boating within 8 months, Mr Hennessy lives on North Beach an[d] know that Mr Herrington knows he live there because he has visited me there Have seen a man visit Mr Herrington who has lost his thumb think him a bad man. Thomas Brown robbed Mr Hennessey Mrs White I think was concerned in the robbery or keeps a bad house—Old Steven lived at Mrs Whites—bad fellow

---

[3] This shot was suspected to be a signal to the Sydney men to be on their guard (Report of the night watch, June 17, p. 41).

[June 20, 1851]

Mrs White lives on north beach 2 doors from Mr Hennessey One chest belong to Mr Smith now at Petaloma—another belongs to a man named Ned thinks Mr Hetherington lent money on it —Mr Hall & Mr Scotts Houses have bad names & Mrs Whites on North Beach

San Francisco, June 20, 1851

William Byatt— Come from London to Port Adelaid & from Port A to Sidney from Sidney to San F— Thomas Scott was accused of stealing on the voyage here—I run a boat to Don Castros Ranch for Mr Harrington—I know he had bad characters visit his house—and I told him so—A man named Scholefield is a bad fellow—he lives on the hill—many bad fellows live & visit him. Mr Herrington owes me 200$. Mrs Robinson boarded with Mr Herrington—Mr Herrington was arrested for assaulting Mrs Robinson Mr Smith boarded with Herrington

Mr Charles Brewer left a few days since lives now in Dupont St Mr Searle is a married man never lived with Mr H I came to San F in the Bark *Orator* had 150 passengers, I think I could find 20 or 30 now here

Mr and Mrs Brown Mr P Sullivan Thomas Scott Mr Becket Mr & Mrs Judd Mrs McVickers Mrs Wilson or Mrs Suthers Mr & Mrs Higgins John Crestwell Mr & Mrs Green Mrs Sullivan was when she came Catherine Farley

Catherine Fye now Mrs Burns John Mitchell & wife live on Stockton St—Fitz Patrick Mr Murrill lives in happy valley

McRoberts now drives a team—a family named Hall lives in Happy valley[4]—Knows a man named Russell is known by the name of Mr [. . .]

S Brannan to Capt Toby. Copy of Letter

San Francisco June 20/51

Capt Toby Commg Am Brig *"Malek Adhel"*

Sir We have sent to your vessel a committee of five to examine the baggage of your passengers for Sydney as we have strong evidence to believe they have a large amount of valuable stolen property & money, & we hope you will afford them every opportunity & facility to recover the property

---

[4] Happy Valley was the district that originally lay behind the first line of sand dunes, south of Market Street, and near the water front.

By order of Vigilent Committee.

[Signed] S. Brannan.

Notice to Col James

San Francisco, June 20, 1851

The People
Vs
Col. James

Sir:—

The most eminent physicians of this place have decided that the climate of San Francisco is very injurious to your constitution. It is due to you that we should inform you of the fact and request that you will seek a place more congenial to your health, feelings and disposition, before Wednesday next.

By order of

The Committee[5]

(Seal)

SATURDAY, JUNE 21, 1851

MISCELLANEOUS PAPERS

[*Letter from Thomas Burns*]

San Francisco June 21st 1851

To the Committee of Viligence

Gentlemen this will save you a Deal of Trouble if you Can Bring one man or woman in this City who can come forward and State to you the slitest offence as to my Charecter or Dishonesty I will Leave this Country Immediately with the Exception of Mr Lavers

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[5] Col. G. F. James may have been in disfavor as a conspicuous criminal lawyer, but as there is nothing further to explain this letter, it is possible that it was unauthorized, as the *S. F. Herald*, July 1, stated that an attempt was being made to create prejudice against the Committee by sending to respectable citizens forged notices that they must leave the town. "We are authorized to state," it continued "that in no case has any such notice been sent . . . through the post office. In every instance they have been served personally by a sub-committee of three or more upon the parties intended to be reached." The seal used is not the stamp sometimes attached to official papers of the Committee, but an impression of a Mexican dollar, upon a circle of paper padded by a thin layer of sealing wax.

Yours
[Signed] Thos Burns

[Addressed:]
To the Committee of Viligence
San Francisco

Testimonials of Character of Mr Thos Burns. June 1851

San Francisco June 21 1851

Gentlemen of the Vigilance Committee

I have known Mr Burns for the last fourteen months during that time he has always appeared to be an onist and Industrious man I have supplied his house with Sarsaparilla beer during the fourteen months and I have never seen any thing but Industry and hard work from Mr Burns & his wife

[Signed] John Cammot

[Addressed:] To The Vigilance Committee

San Francisco June 20 1851

Gent. Forming the Secret Committee

The bearer of this note Thos. Burns. I beg to state I have known him in Hobart Town for four years, as an Upright Honest Sober man, he came free to that place, he owned several boats to carry goods to different parts of the Island which he performed to the utmost satisfaction to their Govt who employed him, the parties who have been examined before you on his behalf in this City during his stay there may prove favorable to his Case

Gent
Your Obt Servt
[Signed] George Bolton

[Addressed:]
Gent Forming the Vigils Comtt

[June 21, 1851]

San francisco June 21st 1851

To the Hon Vigallence Commitee of this City

We the undersigned do Certify that we have been acquainted with Thomas Burns for eight months I consider him a peaceable and Respectable Citizen and can Recomed him worthy your Consi[d]eration

[Signed] Wm L Carpenter R[hode] I[sland]
" George Willis Valpa[raiso]
" Saml Moore Talpa[huana]

[Addressed:]
To the Viggilance Commitee

San Francisco 21st June 1851

To The Vigilance Committee

Gentlemen I kept a Restaurant in the basement story of Messrs Morgan & Co House on the Corner of Battery & Vallejo Streets from the 7th of Augt 1850, until the 17th of March last, during the greater part of that time Mr T. Burns kept a Sailors Boarding House a little higher up on Vallejo Street. I never during that time, see or heard any thing bad, of either him or his house, but always considered him, an hard working industrious man.

I remain Gentlemen
With Greatest Respect
Your Obt St
[Signed] Wm C. Oldfield

[Addressed:]
To The Vigilance Committee
San Francisco

S Payran's Report in Relation to Red House

To the Vigilence Committee for the City of Francisco

Gent A report has been made to me from a reliable source, that a House known as the *Red House* situated on Vallejo Street, between Stockton and Dupont Streets, is a resort for Felons, it is kept by a man & his wife, his name I could not learn, it is further reported that the keeper is a transported Sydney convict,

[June 21, 1851]

In furtherance of our views I make this statement, so that by due vigilence we may be enabled to eradicate one of the evils that now infest our City.[1]

Respectfully
Your Obdt Servt
[Signed] S Payran
One of the Exe^{e} Committee.

S. F. June 21 1851
[Addressed:]
To the Executive Committee of the Committee of Vigilence for the City of San Francisco
Present

Thomas Scotts Statement, San Francisco June 21. 1851

Thomas Scott Tailor resides on Montgomery St above Pacific Am from Manchester England Arrived in California about 15 months since in Bark *Orator* from Sydney Am a tailor by profession was in Sydney about 6 years—Believe I know Hetherington work for my living by my trade

Mr Docherty attends to my business when I am away—has since left me and now lives with Mrs Hows two doors below me—Charles Becket a small man—light hair—came from Sydney with me Know a man named Richardson—Sent money by a Mr Horner for my family—Dont know Mrs Hows dont visit her—heard of a man being poisoned at her house—Know a man named Russell taller than I am—stoops a little—know a Mr Barnes—Mr Russell took a drink in my house 3 or 4 days since—first drank in Plaza—Mr Barnes lives next door to me—believes he came from Stockton Dont know Mr Jenkins or Simpson[2]—heard of a man being hung by that name. Dont know Mrs White—I think I know the name of Connoly—Sent home 200\$ by a man James M^{c}Donald—dont think it reached home—Know Mr Austin he kept a drinking house on Montgomery St near Pacific St. Have seen Mr Hetherington once or twice—I am sure

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[1] See Statement of David Earle, p. 91.

[2] See *S. F. Herald*, June 12: "By some error, we presume, the man Jenkins, executed on Tuesday night, was named Simpton in yesterday's *Picayune*. This was a mistake, as we have reason to believe his name was Jenkins."

I came in the Bark *Orator* from Sydney—I think Mr Hetherington came in the *Orator* with me but am not certain—Dont know where North Beach is Have never been at Mr Hetheringtons house on North Beach, dont know where it is—Know nothing of Mr Hetherington dont know where he lives or anything about him—Dont know that he was a passenger with me The people all had a good character on board the ship I was arrested on board ship for striking the Capt—was accused of stealing part of the cargo, it was not proved against me—know a Mr Gorman he keeps a public house—dont know Mr Burns—Knows a Mr Barnes keeps a tin store next door to me my opinion is that he is an honest, hard working man. Know a Mr Edwards as a thief, also a Mr Ainsworth, cant think of any more[3]—Know a Mr Russell dont know where he lives—bailed him out of the prison—Russell the tin man stoops in shoulders [Annotated on margin: man poisoned we think by Scott] Mr Russell is at Stockton at the time the last fire occured here.—

Here the two men were introduced to each other and Mr Scott finds he knows Mr Hetherington

Brought no certificate from Sydney for character Several men have been pointed out to me as thieves—was in irons some 10 or 12 days Know Bill [Annotated on margin: proper name William Byatt] Cook of the ship know Mrs Southers has gone home—

Was 120 days on passage had no trouble or fighting—heard Sellers whife say that he was a convict—Know a Mr Fitz Patrick on board and heard he was a convict Mr Fitz Patricks brother bought a vessel called *Thomas Lord* and went to Sydney with her I dont know any thing about Mr Hetherington *"Here the man was searched" found on him eight dollars, one watch key, one chest key, one bullet—Here the testimony closed for the night—*

San Francisco June 21, 1851

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[3] Edwards was implicated in the confession of James Stuart, p. 228 (note 16). Thomas Ainsworth, alias Tommy Roundhead, was arrested July 17, in company with George Adams, and was finally turned over by the Committee to the authorities.

SUNDAY, JUNE 22, 1851

MISCELLANEOUS PAPERS

Peter Davis Ex^n. Prisoner Discharged, June 22/51[1]

M^r Fleischec[ker] & M^r Wolf both members of the Vigilence Committee, brought in and delivered up a Man who calls himself Peter Davis on suspicion of being a desperate character, being found in one of the Sydney Houses situate on Pacific Street Wharf June 22 1851

Davis resides at M^r Matthews 5th Ward House, the last two nights I have stopped with a Shipmate house near where the Fire took place, my Shipmate's name is Matthew Lewis

I have been in San Francisco nine months I came in the Ship a Barque *La Byron* Capt Chadwick from New Zealand, I have a son here on Board the *Elizabeth*, I have worked on board the Steamer *Chesepeake* until within a week, since which time I have done nothing; I am a native of Bristol England, I have lived on Stewarts Island New Zealand, at which Place I lived twelve years and was engaged in whaling, I never was transported from England, and have never been guilty of any crime,

Captain Patterson keeps the Public House on Pacific Wharf and I went to his House and offered to assist in saving his property, Captain Patterson owes me nothing

[Signed] Peter Davis

[Annotated:] Prisoner discharged several of the Committee vouching for his innocence, and those by whom arrested attesting that they had no good grounds for the arrest

[Signed] S Payran

Daniel Peterson

M^r Fleischhacker. Statement of charge vs Prisoner, June 22/51

S F June 22 1851

M^r Samuel Fleishhacker member of Vigilence Committee arrested Daniel Peterson who is now in Custody,

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[1] On Sunday morning, June 22, at about eleven o'clock, a fire, evidently of incendiary origin, broke out on the north side of Pacific Street, near Powell. Spreading rapidly to the east and south, it burned ten entire blocks, and parts of six others, in the area lying between Powell and Sansome, and Clay and Broadway, and destroyed property valued at some

Mr Fleischhacker states that he arrested Daniel Peterson in the act of Stealing one bundle of red shirts and one Bundle Gray Drawers on Pacific Wharf, said Peterson carried the said goods on board a vessel, and throwed them in a small Boat, Prisoner stated that the Goods were given him in lieu of money for services rendered, but when requested to show the man who gave them he said he could not tell who he was

Mr Patterson of the Committee saw him take the goods, as well as Mr Peter Redpath on board Schr *S. D. Bailey*—further deponent states that Prisoner took the goods from a pile on the Wharf

[Signed] S. Fleishha[cker]

Attest S. Payran

Deponent Fleischhacker states further that he offered to give up Prisoner to the Captain of the ship to which Prisoner belonged Provided the Capt would become Bail for him, but when the Capt saw the Clothing he declined and desired that Deponent should take him and have the Matter inquired into further deponent saith not

Attest S P

[Annotated:] This prisoner discharged

[Endorsed:] Prisoner discharged

Justo Rayes Statement. Larceny, June 22/51

Justo Reyes— From the City in the Republic of Mexico Guadalajara I know why I was arrested for—was arrested for having a bundle of clothing—did not steal the clothing—dont know where I got the clothes but can point out the place if taken there—dont know the owner of the goods—the owner of the goods said that any one might take the goods as they must be burned—I understood by signs that the owner said that any one might take the goods—dont know the owner by look or otherwise—has never been before the recorder

San Francisco June 22, 1851

$3,000,000 (Soulé, *Annals of San Francisco*, 345, 612). Members of the Committee arrested several men on suspicion of robbery, while the fire was in progress, but in spite of the excitement incident to such a catastrophe, all were discharged as innocent, except the Mexican, Reyes, who was whipped and warned to leave town.

[June 22, 1851]

How long have you been in California? Arrived in April last—Came to California by water in a vessel called the *Laura Virginia*—dont know the Capts name—sailed from San Blas in the month of—Mch[2] dont know the month—sailed the day after Ash Wednesday—was 29½ days coming Arrived in California on the 30th of April, has made a mistake, was here the 5 of April instead of the 30th—entered the service of Don Andreas Ramos on the 6th close to the Ranch of the Sanchez where the stage changes, on the road of the Mission—Don M Sanchez not sure whether day after or the same day of Ash Wednesday he sailed from San Blas His occupation with Ramos was a milkman He came here last night to sell milk—was at Breakfast when the fire broke out when the fire commenced had just risen from breakfast and lay down upon a bed Refers to Don Andreas Ramos his patron who lives more than one league after passing the Porte Zuelo upon the Rancho de los Sanchez—also to El Sir Oribe a Baker in Pacific Street—also Senor Lenorio in Company with Ramos

Found guilty of stealing—and recommend he receives two dozen lashes & be admonished to behave better in future

Testimony taken by J. B. Huie J. F. Curtis & J. L. Van Bokkelen

Motion adopted with amendment with addition of punishment to be ordered to quit the City and if found in the City again under any circumstances he will receive 6 doz lashes for every such offence.

[Endorsed:] Prisoner received 25 lashes and ordered to leave the State

James Smith Statement

June 22nd

James Smith Lodger at Scott's is a Scotchman born in Edinbro', 8 years old when he left. My father carried us to New South Wales. *John Calvin* brot. us here from Sydney, 120

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[2] "Mch," is interlined as if added after "Don't know the month." The *Alta California*, June 25, reports that a Mexican had been given two dozen lashes by the Vigilance Committee, for stealing during the fire.

[June 22, 1851]

Passengers—All Sydney people emigrants to Sydney. most all married did not know Scott before I arv^{d} went to drink at his house as soon as I landed—Croxton & Ward came in ship with me—they live near to Spiers & Keep Public House.—I have been wild at prize fighting in Sydney. I was in N. S. Wales since I was 8 yr^{s} old Never seen England since. never have been asked to join in stealing &c—I have been working on road for Adams. Am carpenter by trade but could find no such work—have an acquaintance here by name Tate, have not seen him yet.—People are very select in Sydney as to associating with convicts—Dont know any transports here—never have heard any named—There is a relation of mine here named Drinkwater—My Father & mother are both dead have 2 bro^{s}—8 sisters. —Have been in this place three weeks.—Scott has 2 Boys boarders—Dont know their names.—no suspicion of Scott being bad—Scott is a Tailor, but has been cooking the past week.—Bill used to cook Scott is not out much at night.—I dont know who arrested me for stealing watch—he was drunk.—Constable picked a watch up, Supposed I stole it.—I dont know anything about the man who lost the watch—I suppose I was saucy being drunk myself & that was the reason he took me.—The following came on ship

Croxton Ward, Solomon, Cabin

Steerage Doyle, Davis, live with Croxton as servants O'brien & wife & child; Lynch & wife, M^{c}Chastic[?] & wife & child—Seven single girls—Ann Finley Mary Bradley.—Jno Smith a married man gone to Stockton—has been here before returned to Sydney got married & came back with me.—I have had 2 set tools at Circus and California Exchange I have a team at stables up here—

Description Smith is about 5 feet 11—light complexion Sandy hair, stout & well built blue eyes—protruding forehead nose sunk as if broken by blow. One tooth broken by blow. small redish whiskers.

Scott took a man lying in street—named Latimer—Latimer now lives at a shipmates.—

Dont know Jenkins did not see him after he was hung—

[Endorsed:] Discharged no evidence against him

[June 22, 1851]

Sharp & Co.

James Smith—tall say 6 feet light hair thin face strong muscle, wears at present black surtout coat and brown Cal hat, large mouth. Brummy[3] is his chummy Smith was in jail in San Francisco charged with being in a bed room—under the bed arrested about 6 weeks since McElroy was the officer who know all of the circumstances

James Llewyllen, Statement. Charged with Larceny, June 22, 1851

James Llewellyn Born . . .[4] London From London to Port Nelson From Port Nelson to Port Nicholson from Port Nicholson trading to Society Islands on trading voyage—has been here one month—has never been a convict—blood on my face caused by the parties who arrested me—When I was at the fire there were a lot of coats & things—and I thought some of them would fit me and I put one on and sat down and was eating some bread & cheese and I was drinking some spirits and after that I was walking through the store—I dont [know] whose store—Came here in the . . . .[4] Brig *Despatch*—a sailor before the mast—Live on Clarks Point on the Hill with a man named Edwards—Edwards is a working man works for Mess Simpson & Remmington I have been working for W T Coleman

[Annotated:] Above prisoner remanded for future hearing—as other witnesses are to be brought against him

[Endorsed:] Prisoner Discharged

F. Argenti Statement Case of Metcalf

Mr F. Argenti makes the following complaint That a carman by the name of "Metcalf" having agreed for the sum of Fifty dollars to take charge of four loads of Furniture and wearing apparel, he returned Three Loads of Furniture *only* and gave no satisfaction of Several bundles of wearing apparel he the carman however insisted on the payment of the Fifty dollars which was made after a great deal [of] annoyance,—to the "Lady"[5] owner of the lossed goods, which created the suspicion that he had appropriated the missing goods.

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[3] Big Brummy was implicated by James Stuart (see his Confession, note 21, p. 230).

[4] Illegible.

This Statement can be Substantiated by several witnesses

MONDAY, JUNE 23, 1851

MISCELLANEOUS PAPERS

Boat Reports

John B Evans   Saw a boat pulling out from shore, and according to my orders I hailed it with—Boat ahoy! heave too if you please   the answer was, go to hell you son of a b—h on what authority do you order me to heave to? I explained to him my authority and told him if he was a good citizen he would heave to and let me examine his boat—he replied that he was not a citizen—then I told him to heave to any how, run along side and grappled with him and fired the signal which was 2 shots from my pistol   told the man in the boat that I was not firing at him but merely a signal—he seized one of my boatmen by the throat a member of this Committee (Mr Thompson) Mr T shook him off and raised his oar, I told him not to strike—but spoke too late   he did hit him over the head and knocked him down in the boat.[1]

[Signed]   John B. Evans
Boat No. 5

San Francisco June 23, 1851

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[5] Angelina Duclos, who complained of this theft, was the alleged mistress of Felix Argenti, a member of the Committee, and a leading banker of San Francisco. His influence led to a search of Metcalf's house, on the night of the 22nd, and, in retaliation, the latter brought suit for damages against Argenti, and others who accompanied him (see note 1, p. 156).

[1] Experience in earlier fires proved that quantities of stolen goods were carried to the islands in the Bay, or to the opposite shores. The water police of the Committee was very alert on the night of the 22nd (see voucher No. 6, p. 770), and this encounter with Captain Hammer, who refused, when hailed, to give an account of himself, is a good example of the possibilities of violence inseparable from such unofficial police duty.

[June 23, 1851]

Mr Phelps Statement. Case of Cap't Harris [Hammer]

San Francisco June 23^d/51

Statement of Cap^t Hammer, was going off in his Boat at or about 9 o'clock, a Boat run into me, fell alongside each other. Vigilance Boat dropped astern about a Boats length. Sung out to Capt H's Boat Stop. told my men to give way believing the other to be a drunk party, & felt irritated at the colision. they then pulled up alongside, seized my Boat, told them to let go, said they would not, but wanted to overhaul my Boat. told them they could see that there was nothing in the Boat & to let go. Said they would be d—d if they would, that they wanted to see if I had any stolen goods, I then shoved his hands off the gunwales. he jumped up in the Boat picked up an oar & hit Capt H. on the head with it, then dropped his oar & tried to pull me into their Boat. was struck by the Boatman—the others sat in the stern sheets & fired off 2 or 4 pistol shots. had my clothes torn off me. one man in the Bow of the Boat pointed a pistol at my head—they then left my Boat & I pulled after them, they ran & got hid among the shipping—Have approved of and assisted all in my power to benefit the Vigilance Committee & if had been properly hailed would have answered at once—My second mate called to the Boatman when he raised the oar to strike Captain Hammer, Harry Thompson for God sake take care what you are about

Given in presence of Col Huie W. Bromley Bluxome J. F. Spence

Statement of Robert Philpot

2^d Mate of Ship *Medora*—about 8½ last evening left with the boat for the ship Cap Hammer on board the boat—whilst going to the ship a boat approached in the direction of our stabbord bow and came along side without hailing—after being along side she the other boat droped astern of us. then heard a call of stop that boat, they at the same time pulled for us. Capt H told his men to give way—The man in the boat after us said he had authority to have the boat stopped. He then said stop that boat or I will shoot. he then fired two shots, after firing two shots they got along side of us—and fastened on our boat. The same man who had hailed us said I want to see if you have got any thing in your boat. I told him there was nothing in the boat. The captain was angry and told him to shove off and let him go clear. The Cap stooped down to shove off the mans hands who was holding on the boat. A man named Thompson who was pulling the 2 aft skulls tore the Cap^s Coat The Cap said the men were a parcel of cowards when one of the[m] struck him with an oar. One of the men in the stern sung out dont Thomson! dont!! the boats were about 3 feet apart when the Cap was struck. We then pulled for the ship. after pulling 2 or 3 lengths we turned about and came into long wharf waited ¾ or 1 hour for the Cap we then pulled out in the stream to go on board Was hailed by another boat, in reply told who we were and went along side—

Cross Examination. When the boat that we had the difficulty with, got along side they said they said they belonged to the Vigilance Committee. Dont know what reply the Cap made when they said so. After the Captain was told they were for the V. C. he called them sons of B—es it was at that time and after the Captain had said this that Thompson struck him—Dont think he would have been struck had he not used the expression. Captain H. was somewhat excited by liquor at the time of the occurence Cap H told the party in the boat that he was no citizen

[Signed] Robert S. Philpot

Evidence. Tierney, Baisillio & a Swede

John Matson a Swede A sailor from China on board Ship *Stockholm* thick set & strong, light hair, blue eyes—arrested for having a box of matches in his possession—No witnesses against him—He is now a sailor on board the Sloop *Ceylon* running from this City to Stockton—

Tells a plain & straight story & is undoubtedly not guilty—recommend his immediate discharge

Testimony taken by J. B. Huie & James F. Curtis & J. L. Van Bokkelen

[Annotated:] Finished discharged

[June 23, 1851]

James Tierney's Statement. Larceny. June 22/51

James Tierney states that he was arrested for taking an axe in Sansome Street, is an Irishman by birth but resides at Providence Rhode Island when at home, has a Tent at the top of Sansome Street I worked for Mr Priestley M^r Evans, who is employed by Mr Burgoyne says he has money in Burgoyne's hands now

June 22/51

[Annotated:] Finished

Reexamined June 23/51 by J. B. Huie & Ja^s F. Curtis & J. L. Van Bokkelen

Came here via Panama pr Str. "*Northerner*" been here 12 months—was arrested once for drunkeness & discharged—was intoxicated yesterday—does not know who arrested him—has $110—deposited in the Bank shewed his bank-book—

We recommend the prisoner Tierney be discharged at once—

Testimony taken by J. B. Huie James F. Curtis J. L. Van Bokkelen

[Annotated:] discharged

Antonio Barsalle. Brief Examination June 22/51

Antonio Barsallio Ciudadano del Puerto de Guayaquil Am in the employ of Capt Bunsons on board of the *Joan* I was arrested in the Parker House engaged in putting up Pins in Bowling Alley I was arrested about one hour ago (now half past 2 o'clock P.M.) he was taken Prisoner because he had taken a pair of Pantaloons & pair of Boots—No other offence was alledged against him. Prisoner was trying on a pair of Boots at which time an American took charge of him, the Boots were thrown on one side of the Parker House which he believed were thrown away—

Reexamined 23^d

Found guilty of stealing—Recommend he have one dozen lashes and an admonition not to do so again & that he tell his countrymen they must look out not be caught stealing—

by J. B. Huie James F. Curtis J. L. Van Bokkelen Ex Committee

[Annotated:] discharged

[June 23, 1851]

Statement from Thos Hatheway discharged

Prisoners Name Hanson Hathaway Works for Esquire Turk who resides in Happy Valley—I have worked for him three weeks —Arrived in San Francisco one year last April on the *Tennessee,* I have been at the Mines different times, I was five days in San Francisco, and went to Marysville. I remained five days at Marysville, I remained five days at Downieville, I was five days altogether prospecting, I came down to Foster's Bar, I worked at Foster's Bar three days for the New Bedford Company I then came down to San Francisco one day after the great fire in May My residence is Marysville, I now claim San Francisco as my place of residence, I am from Massachusetts, I do not know the different localities of the City do not know where I was arrested, I came into the City shortly after the Fire broke out—Mr Turk & his woman went to his Ranch yesterday and left myself and one other man to take care of the place, I know Montgomery Street, it is the only Street I know—I am from Taunton Mass my occupation was in an Iron Foundry I know Capt Leonard of the Ship *Monsoon* I live in Happy Valley in my own house there are five live with me—dont know what I was arrested for—dont know how I received a black eye —Know E Harvey—E Luther E Hildreth and his partner—Mr Frank Turk appeared in his behalf, spoke well of him &c—

[Annotated:] Prisoner discharged 23d

[*Case of Burns*]

San Francisco June 23: 1851

The Bearer M^r Tho^s Burns I have known in Van Diemans Land, for the last *Ten Years* as a Freeman and always considered him a very honest and industrious Character

T Glestor
Union Place Stockton Street

To The "Viglance Committee'

[Addressed:]

To The "Viglance Committee"

[June 23, 1851]

Ogden

A man about 5ft 4in—dark brown hair brown face "from exposure" wears an over frock or guernsey shirt under his pants—hails from *London,* has a wife or woman who does or has lived with Mr Burgoyne—left town suddenly after Jenkins death "Same time the houses near the new prison & Catholic Church were vacated by the Foreign Gentlemen" returned about 8 days since drunk said he had been to the mines had the privelige of sleeping on a chest "in a small house on Broadway near Powell" owned by or occupied by Mr Levi Calderwood from State of Maine[2]

On Saturday Night last he did not come in until about 3 Oclk A. M. did not answer to the call until the fourth was made, in the morning got up shaved and went out did not return previous to the burning of the house—was pointed out to one of this Committee by Mr. Calderwood & followed to a house in Jackson near & above Stockton Street—Mr Calderwood does not doubt but that this man was one of a gang, & that Saturday night they were out concocting their plans for a combined attempt to Burn the whole City—Calderwood intended to arrest Ogden & bring him before the peoples committee but was advised to leave him for further proof

[Signed] Saml L Dewey

Monday June $23^{d.}$ 1851

David Thompson

Arrested for Stealing—Came here from New Castle N.S.W.—was 4 months in the Colonies—has been in this City two months—been boarding near Clarks point in a sailor boarding house—was intoxicated yesterday—

We recommend Thompson be immediately discharged

Testimony taken by Ja. B. Huie Ja F. Curtis & J. L. Van Bokkelen

June 23^{d} 51

[Annotated:] discharged

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[2] Robert Ogden and his wife were prisoners of the Committee in August, and as a result of his examination Ogden was ordered to leave the state.

TUESDAY, JUNE 24, 1851

MISCELLANEOUS PAPERS

Lieu^t G H Derby. Sonoma. 24 June 1851

Sonoma Cal. June 24 1851

Secretary of the "Vigilance Committee"

Sir I have the honor to inform you that a most notorious villain is now in your midst whose arrest I as well as every good citizen must, most earnestly desire. His name is Samuel R. Church a deserter from the U. S. service. This man enlisted in Mexico where (if we are to believe his own boastful confession) he had long been connected with a band of robbers, has since his entry into the service been guilty of a continued series of crimes which has caused him to be kept for the majority of the time with a ball and chain attached to his leg. He asserts that he was the man who endeavoured to murder Capt Bragg by placing & exploding a shell beneath his bed at the Camp near Saltillo—& has claimed in a boastful manner since his arrival in the country connection with many outrageous exploits of a similar nature—His previous life however I presume falls not within the examination of your committee.

On the night of the 9th of June inst this man deserted from confinement at Benicia and returning to Sonoma stole from the public stable my horse an animal to me of great value for his long services and for which I had been offered and refused four hundred dollars.—This crime brings him under your cognizance, he being now within your limits—

The man Church is about thirty years old, five feet nine inches high, strongly built, *freckled face, light red hair & has lost two or three of his upper front teeth* he casts down his eyes when addressed—Immediately on being informed of his arrest by your body I will appear before you, and give evidence against him which will convince you he should no longer be allowed to cumber the earth—

With great respect
Your obdt Sevt
[Signed] Geo H Derby[1]

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[1] Lieutenant, afterwards Captain, Derby became well known as a writer of humerous sketches of western life, under the pseudonym of

Lieut U. S. Army

[In place of address:]

Mr Howard is requested to lay this paper before the "Vigilance Committee" and oblige his sincere friend

[Signed] Geo H Derby
Lieut U. S. Top Engineers

Sullivan's Evidence

June 24

Jno Sullivan. My wife said this man offered to assist her in taking care of things during fire on Sunday offered to take them to house on corner of Ohia and Bway.—Her bundles of clothes that were packed the most valuable, he took Said his name was Sullivan—likewise he had one or two with him who took a chess[?] table he took bundles and a glass and some chairs—he has them now & is willing to give them up.—he denies having taken bundle—I have seen one or two men & my wife also, who say they saw him take them down Jackson St. I will produce witnesses tomorrow.—On Sunday evening saw man taking in card table into house corner of Ohio & Dupont. I asked him if he had the bundles had young man with me named McMina[?]. The man said before us that he had one bundle and tables &c afterwards denied that he had said he had bundles he went up stairs Showed me glass table & one chair—was willing to give them up—I asked Mr McMina[?] if that was the man that had tried to take away safe—he said 'twas—prisoner is man as described—other witnesses said 'twas man who took bundles—took him up to see my wife. She knew him for the man—Today while I was out he brought up a policeman who says he did not see man take bundles.—but other men say no policeman was there—Before this he had whiskers he has shaved them off lately.—

[Signed] John Sullivan[2]

John Phoenix. After prolonged investigation of the case of Church, the horse thief, the Committee decided to hand him over to the military authorities for punishment.

[2] The signature on this statement is not the same as that of John Sullivan, number 269 in the roll of members.

WEDNESDAY, JUNE 25, 1851

MISCELLANEOUS PAPERS

Sullivan's Matter. Arrested for stealing

June 25th

John Sullivan— Cork County Ireland—I have been a sailor & whaler. never was in Sydney—have been in S Australia stopped there.—first 4 mos—I was lightering—I boarded in Happy Valley in a tent Lately I took a house foot of Jackson St.—been 4 months there. I lived further down than Sansome between S. & Battery St.—My house was called Boatmans' home

This was 4 months ago—I moved into my present house 20 May—I rent from Mr Sutton—I keep a boarding house & bar.—I know Mr Barasted, Mr Smith, Mr Charlick, Mr Grimes.—I am accused of taking some of Sullivan's wife's things.—I once rented a house from Sullivan or my wife did while I was at the mines—I asked Mrs Sullivan if she remembered me. She said yes yr name is Sullivan I offered to assist her moving & offered my house to receive her things in—I put several large bundles bedding &c into a waggon with safe. I took the glass under my hand. That evening Sullivan thanked me for my services, about 2 hours afterwards he came down with another man & asked after other things of his wife's. & he returned again —when I went up to see Mrs Sullivan to hear whether she said that I had taken the bundles. All my things were taken out of the house because they feared the fire so when Sullivan came down he saw men putting tables &c back again.—I never had whiskers

Smith says he knows Sullivan that he considered him always honest—man—never had whiskers

[Endorsed:] Prisoner Discharged

Statements Relating to Sullivan

John B. Redmond I saw the prisoner at Mrs Sullivan I do not think he is the man who took the bundles—The man who had the 2 Bundles of clothes had whiskers.—I did not know the man before the fire. I met prisoner going up stairs—Afterwards I met a man sideways with bundle of clothes with whiskers.

[June 25, 1851]

I could not swear that this is the man who took bundles—I think I saw this man with bed.—I saw this prisoner as I believe going off with glass.—I dont think 'tis same man that had the bundles. The man I met going up stairs had blue shirt & his present pantaloons. Think man going down stairs had frock coat & whiskers.

Mrs Sullivan— This prisoner came up to the house asked me if I knew him I said yes—he offered to take safe & most valuable things.—I gave some bundles of clothes china tables chairs He wore a blue shirt over his pants. He had whiskers. I gave bundle of clothes into his hands—There was no one there who resembles this man. There were many in the house But I remember well giving clothes to this man. The last I saw of him was going down Jackson St with glass & bundle on his shoulders.—He rented a house once of us.—dont remember whether he then wore whiskers.—There were a great many there but did not see a man with frock coat nor did I see a policeman—He seemed desirious to get possession of the safe. There were several bundles of bedding &c on the same cart that took the safe.—He only took one bundle. Mr Redmond saw whole affair. I would believe anything he said.—

[Signed] Catherine Sullivan

George Gordon I live here am carpenter—I dont know prisoner. I saw him day of fire at Sullivan—I was up stairs help take down the Safe & put it in dray. Several people about. Saw man with bundles of clothes. I cannot swear I have ever seen man before me. I think I saw him then—Mrs S. was up stairs at time I moved safe—I saw glass go down stairs—I did not see any person demand safe I heard man say take it to my place. I saw him but cant recollect him

his
Geo X Gordon
mark

Westly Miller— The prisoner was at Sullivan's on Sunday morning. All furniture was at door I thought pris: was a friend of Sullivan's he made himself officious.—He said things better be taken to his house Cor: Dupont [interlined: B. Way] & Ohio—This man me & W^m^ Dawson two strange men took loads I had Beaureau—I saw M^rs^ Sullivan with bundles of clothes. Whether man took them or not I cannot say. I can swear that M^rs^ Sullivan gave them to him. I did not see him with glass—I rather think he had no whiskers.—I spoke to him —But did not take particular notice. I saw a man about my height who went for dray. W^m^ Dawson M^rs^ Sullivan & I went up to W^m^ Dawson. Prisoner & two others went through Dupont down Washington S^t.^ towards Square.

[Signed] Westley Miller

W^m^ Laundregg— M^r^ S. The prisoner was taking some of the things down.—I knew man at Port Adelaide.—I lived there 5 years—I saw him there 2 or 3 times. He was working among shipping.—The principal part of things in street. I went for waggon—I did not return.—I did not see him with bundle man did not have whiskers—I carried bundles down stairs—

[Signed] William Londregan [?]

[*John McDonald*]

Wednesday June 25th—51

John McDonald—Drunk—Discharged.

THURSDAY, JUNE 26, 1851

MINUTES

Proceeding of Ex. Comm^e^ June 26 1851[1]

26. June 1851. 9. P. M.

Meeting called to order.—present M^r^ Ellis Curtis Garwood Mellus Bluxome Bromley Brinley M^c^Cahill Schenck M^r^ Woodworth Payran

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[1] Minutes of the meetings of the Committee are missing up to this date, and although Bancroft wrote of the existence of a book of minutes

Mr Garwood called to the Chair—Mr Brinley Secy—

Report of John Morris respecting one *Clay* presented by Mr Brinley, accepted and placed on file—

Resolution offered. 2nd by Mr. Bromley that Mr Morris be requested to meet the Committee at 9 o'clock tomorrow for examination—amended by Mr Mellus—that the Chair appoint a quorum to meet him, and investigate the matter. Committee—Spence Bromley Brinley F. E. Woodworth J.C. Ward.

Mr Earle introduced by Mr Payran gave evidence concerning "Red House"

Report from Finance Committee received and placed on file. —explanations offered by Committee of one from Finance—accepted—

Some doubt having arisen in the Committee respecting Mr Earle's testimony—resolution by Mr Schenck—that a committee of five be appointed to look after Mr Earle, and investigate the character of his report[2]— passed—Com: Doc. H. S. Gates S. Payran Mr Bluxome C. S. Simpson H. Mathews

Mr Burns introduced—*resolution* offered and passed to send a committee of one to proceed tomorrow on board Brig "*Will*" to ascertain if she is or is not to leave the port—

Resolution offered by Mr Woodworth & passed that a letter be addressed to Am Consul in Sydney, informing him of the proceedings of the Vigilant Committee in San Francisco—

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which gave the proceedings of the Executive Committee from June 16 to July 4, (*Popular Tribunals*, I, 242), such a volume was not listed as a separate item in the catalogue of the Bancroft Library. The minutes from June 26 to September 17 are preserved on loose sheets, sometimes in the first rough draft, but more often as a corrected copy, and after the reorganization, on the latter date, the minutes of the Executive Committee were recorded, as approved, in a bound volume.

[2] David Earle, or Earl, was expelled July 9, after the statements of Stuart and Hetherington had proved his criminal affiliations. On the same day a man of that name was charged with bigamy before the Grand Jury, an accusation possibly related to the "family difficulty" alluded to in his statements. The charge was dismissed as malicious, but two weeks later he was before the recorder for obtaining goods under false pretenses, a complaint which was not further pressed. Soon after this the Vigilance Committee seized him, held him in close confinement for nearly six weeks, and, on Sept. 6, discharged him under orders to leave the state. Various statements serve to identify member 264 with this prisoner of the courts and of the Committee (see *Alta California*, May 11, *S. F. Herald*, July 9, 10, 25).

Resolution offered by Mr F. E. Woodworth & passed—that a recommendation be made to the Genl: Com: to expel a member (264) [David Earl] for reasons to be laid before them—

Report handed by Mr McCahill respecting the action of certain fishermen on North Beach— recd & placed on file—

White & Storm & Hennessey requested to come before us—

Communication from the Dep. Sheriff to visit County Jail— recd & placed on file—

Resolution offered by Mr F. E. Woodworth & passed—that a recommendation be made to Genl. Comm: to appoint a deputation

MISCELLANEOUS PAPERS

Order Finance Committee. June 26th 1851

The Sergeant at Arms is hereby requested to collect from members their monthly assessment of Five dollars and as soon as collected pass the same over to the Treasurer together with any other funds he may receive on a/c of the Committee and that he is further requested not to make any disbursements unless by an order on the Treasurer under voucher from the Committee.—

Committee Room San Francisco 26 June 1851

[Signed]	Wm. H. Jones	Com.
"	Eug Delessert	on
"	Geo. R. Ward	Finance

Order F[inance] Committee

A. J. Mc Duffie Esq. Sergeant at Arms

Please pay over to J W Salmon Treasurer all monies in your hands as per a/c rend $255.18 [3]—

[Signed] R. S. Watson
" Geo. R. Ward
" Eug. Delessart
" Wm. H. Jones

David Earle. Statement

June 26 1851, 9. P.M.

David Earle— Member of Genl Committee 264. No particular residence burnt out— at present at corner Kearney

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[3] See Memorandum of the sergeant-at-arms, p. 765.

[June 26, 1851]

& Sac St. Give information respecting a house called the "Red House" on Vallejo St between Stockton & Dupont.—

When Geo Adams and other thieves broke from jail, went to this house— police waited about these premises to apprehend them—for the last three days have visited the house off an on, and encountered men of anything but a respectable appearance—have been told it was the resort of thieves, and the class of men seen corroborates the opinion— have seen Geo Adams there—another called "Jimmy from town"[4] about 5 ft 7. light complexion—light brown hair, round face, hazel col^{d} eyes—large mouth thick lips no beard or moustache—pointed out as a thief by one of the police—have seen Watkins in company with Adams— never was intimate with him— have seen him in the Station house—was under arrest at the time arising from some family difficulty—Never saw Jenkins in the house— did not know him Watkins frequented the house[5]— do not know Scott, Burns, or Hedrington—never have heard of stolen goods at this place should suppose it a likely receptacle for stolen goods—

A M^{r} Mitchell living in Union Court between Dupont & Stockton informed me that the aforementioned persons were convicts— Does not know Mr. Hopkins— The man I saw at the Bar in the Red House yesterday was an old man about 50—5 ft. 8. thin face—slight made— wrinkled— do not know his name— cannot say if this man is the proprietor or not—

Recollect the time Janson was struck with a slung shot[6]—saw Windred in the Station house—never saw Stewart— never saw Windred before to my knowledge— never sat at a table with Windred to my knowledge.

[Signed] David Earl

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[4] James Burnes, alias Jimmy from Town (see Stuart's Confession, note 17, p. 228).

[5] William Watkins, a member of the Stuart gang, had been sentenced June 25, to ten years' imprisonment for the robbery of Colonel Stevenson's office. He had escaped three times, and each time had been recaptured (*S. F. Herald*, June 19), and an allusion in Dahlgrén's letter (p. 271), indicated that he may have been at one time in the hands of the Vigilance Committee. His name occurs frequently in the confessions of various prisoners.

[6] See note 4, p. 137.

John Caperton, Under Sheriff, County of San Francisco Invitation to visit Prison, June 26, 1851

Sheriffs Office June 26th 1851.

Sir,

I would be gratified if your Committee or any portion of them would call and examine the County Jail on tomorrow at any hour which may suit their convenience. I mention that particular time that we may be sure that none but members of the Vigilence Committee obtain admittance: The unfinished condition of the building rendering it necessary to be careful in permitting persons to have access to the prisoners.[7]

Your Obt. St.

[Signed] John Caperton Under Sheriff
County of San Francisco

To the President of the Vigilence Committee.

[*Receipt for the Property of Mr. Dahlgrén*[8]]

Received from Barque *Callao*, Wm Ellis Master, the following goods—

1 large chest, 1 china trunk, two portmanteaus, 1 case Charts, 1 bag tools, 1 sextant, 1 hat box, 1 bundle bedding, 1 bundle, 1 bag clothes, taken as the property of Theodore Dalgren by the Vigilance Committee

San Francisco June 26, 1851

[Signed] Benj Reynolds
" R. S Lammet

Witness John Coombs
Thomas Tennent
Wm Ellis—Master
Thos Melulen [?] Chief Off.

[Annotated:] Duplicate

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[7] In response to this invitation, a sub-committee visited the jail, and recommended (see report, pp. 157–162) that a subscription should be raised to help Sheriff Hays complete the building. On July 5, the General Committee passed a resolution calling on each member to collect $30 for this purpose, and on the 9th, printed subscription sheets were ordered to facilitate the work. On September 10, $4484 was placed to the order of the sheriff, and bills filed with the papers of the treasurer, show the items for which the sum was expended.

[8] Theodore Dahlgrén (also written Dalgren, Dalgreen, and DalGreen), was accused of stealing a sextant from Thomas Tennant, and his property

FRIDAY, JUNE 27, 1851

MINUTES

Minutes Ex Committee

27 June 1851. Evening Session 7 P. M.

Present— Huie Schenck Bluxome Garwood Ellis Gorham Curtis Bromley Brinley Turner

Huie takes the Chair—Brinley—Secty.—

No 404 [Rodmond Gibbons] presents a memorial respecting the case of Cha^s Duane— moved and seconded that it be laid upon the table for the present

Minutes of last meeting read—approved ordered to be placed on file.

Report of Committee on procuring passages for Scott and Hetherington—all satisfactorily arranged for their embarkation in the *"Will"* accepted and approved

Moved by Mr Schenck to take up memorial respecting Cha^s Duane passed.

Resolution offered that the whole subject be referred to the Committee of the whole. passed.—

Report from Committee to settle Scott's business referred back to the Genl Com:

Report [of Executive Committee June 27, 1851]

June 27. 1851—8 P. M.

Mr Ellis in the Chair—Mr Brinley Secty

Present—Bluxome Curtis Ward M^{c}Cahill Schenck Ellis S. E. Woodworth F E Woodworth Bromley Brinley

Mr Curtis—from Committee of one respecting Brig *"Will"*—reports vessel ready to sail on Monday—Capt expresses himself willing to take any passengers for Sydney or Hobart Town—

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was seized by the Committee, although he, for some time, evaded arrest. He was finally apprehended, tried, and honorably discharged. In a letter dated July 12, he expressed the highest esteem for the aims and methods of the Committee and offered any help it might be in his power to give, and a brief card printed in the *S. F. Herald*, July 11, informed the public of the favorable impression made upon him by this close, but involuntary acquaintance with the members of the organization.

Burns has his passenger engaged—report accepted—& referred to the Committee appointed to procure passage for returned convicts—

Mr S. E. Woodworth—Committee of one to proceed to County Prison—reports having seen the entire prison, and its management. &c— report accepted.

Capt of Police—called in—no particular business further than a request for a certain sum for "Secret Service money"—

Resolution by Mr Ward—that $500 be placed at the disposal of Chief of Police with a Committee of three from Ex. Com: to receive from him vouchers as to its disposal.—Comm: S. Brannan C H Brinley S. E. Woodworth. Seconded and passed[1]

...[2] Brig "*Will*"—Mr Trevett[?] engages that she shall sail early Tuesday morning will take passengers $100—will give bonds to place said passengers in the Colonies barring accident of sea.

On motion S. E. Woodworth *resolved* that the Chief of Police be directed to arrest one Mr. Dalgreen and brought at once before the Ex. Committee.—

Thomas Tennant introduced, who states he went to examine some sextants in possession of Mr. Dalgreen, he saw a sextant, wh. he believes to belong to himself—Previous to the fire of 4th May Dalgreen has pawned a sextant to Tennant, On the night of the fire Dalgreen came to Tennant store & took the sextant and one other beside Tennant says he can prove Dalgreen to be a great rascal—Tennant's residence Corner Mont'g & Washington st. up stairs. —

A schedule of property belonging to Hetherington was received desiring the Committee to dispose of same before his departure—

Resolved that a Committee be appointed to dispose of same & pass proceeds to the Ex Committee—James F. Curtis appointed as that Committee

On motion adjourned

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[1] This resolution was rescinded July 1 (see p. 126).

[2] The brig *Will*, Captain Baker, cleared for Hobart Town, June 28, but the prisoners of the Committee were sent by a later vessel. The opening of the sentence is illegible.

[June 27, 1851]

MISCELLANEOUS PAPERS

[*Case of Charles Duane*]

404 [Rodmond Gibbons] respectfully submits—that Charles Duane has long been a notorious "fighting man" and a violator of the peace. That he has been guilty of a cool attempt to murder one of our fellow Citizens, in manner that shocked the whole community—That he was pronounced "guilty" by eleven of the Jurors appointed for his trial, and, but for the corruption of the twelfth, he would have suffered the penalty of the Law—A new trial was ordered, and his case came up in the Court of Sessions, on Thursday, the 26th inst, when he was *discharged!* there being no witnesses present. Charles Duane, therefore has been permitted to commit a great outrage with perfect impunity.[3]

It is generally understood that the Committee of Vigilance intends to administer Justice in all such palpable cases, when the Courts prove inefficient. This case may not be one such as would fall within the province of the Committee to act upon in the *first instance*: but, since the Law has been permitted to finish its course, and has done *nothing, now* seems the time for the Committee to take cognizance of the matter.

San Francisco June 26 1851

Whereas the case of Charles Duane alias Dutch Charley is well known to the Committee of Vigilance, and to the public and whereas the Law has not been effective in administering the punishment that he justly merits—the undersigned members of the Vigilance Committee respectfully call the attention of the Executive Committee to his case, soliciting their immediate action.

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[3] Charles P. Duane, alias Dutch Charley, a notorious bully, had been tried, in February, for shooting a man named Amadee Fayolle, but the case was continued until necessary witnesses left town and a *nolle prosequi* was entered by the Court of Sessions, June 26. This made the occasion for Gibbons protest, on which no action was taken. Duane, who was one of those who tried to prevent the execution of Jenkins, frequently showed his animosity against the Committee, and on July 21, he assaulted a member, Frank Ball, on the pretext of resenting the latter's attitude when serving on the jury in the February trial. His subsequent pardon by the Governor, after conviction and sentence by the court, aroused much public indignation. The Vigilance Committee of '56 exiled him from the state, placing him, by force, on a steamer bound for Panama. He returned in 1860, and instituted suits for damages, some of which dragged on for several years. Bancroft, *Popular Tribunals*, II, 597, 600.

[Signed]	Rodmond Gibbons	404
“	R. S. Lammot	49
“	L. L. Batchelder	429
“	J. L. Van Bokkelen	173
“	W. B. Peake	97
“	W^{m} C Graham	152
“	J. C. Derby	86
“	Tho^{s} J. Johnson	350
“	James Shindler	50
“	John P Haff	72

[*Letter from A. J. McDuffee*]

San Francisco June 27. 1851

To the Vigilance Committee

Gentlemen It is desired that some means should be provided to ensure the attendance of those members who are detailed for duty. It has been found necessary to have 5 men on duty at a time which requires a detail of 40 men for 24 hours duty. each detachment of 5 remaining on duty the space of 3 hours. With our present roll no member will be required to serve more than 3 hours in 13 days. But to fill out and serve 40 notices and make out the proper details is more labour than can be effectually done by one person in addition to many other duties.

I would therefore ask, that, for the purpose of making the guard details more effectual and prompt that the Sergeant at Arms be ordered to post in the Committee Room all details 24 hours in advance and that a Card be published in all the San Francisco papers requiring each and every member of the Committee to visit the Committee Room once in every 24 hours and that no notices will hereaf[t]er be issued for details except for special duty[4]

Respectfully Your Obt Servant

A. Jackson McDuffee

Sergt at Arms

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[4] The following notice appeared in the papers of June 28:

“Vigilance Committee—At a meeting of this Committee held on Friday evening, June 27th, it was *Resolved*, That each and every member

SATURDAY, JUNE 28, 1851

MINUTES

June 28. 1851—Genl Committee—

Resolution respecting resignation of Capt Schander.—laid upon the table—fines to be remitted—

Report from Committee on Scott's business accepted—

Memorial respecting Chas Duane—resolved no action be taken upon the subject.

Motion to adjourn— lost—

Motion by Mr Woodworth carried—to divide the city in Squares, and a list be taken of everybody in Town, and their occupation. moved—referred to a committee of three to devise a plan—Chair appoint Committee S. E. Woodworth W Bromley, Wethered [1]

Moved to adjourn—

[Endorsed:] In relation to Chas Duane

MISCELLANEOUS PAPERS

[*Resignation of J. F. Schander*]

San Francisco June 27th 1851

To the Chairman of the Vigilance Comitte

Sir Being about leaving this place I am obliged to resign my membership of the above mentioned Comitte

[Signed] John F. Schander
Master of Brig *Lowell*

Marysvill Committee to Committee of San Fran.
June 26, 1851

Marysville June 26 1851

Gent

The Committee of Vigilance of San Francisco

I arrived here in Steamer *San Joaquin* last evening (Wednesday) We left on Monday eve San Francisco—I soon

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of said Committee shall report himself at the Committee Room once in every twenty-four hours. San Francisco, June 28, 1851." For the blank used to notify members of appointments, see form printed on p. 136.

[1] No further mention of this plan is made.

found a man wife and four children, an Englishman by trade a Watch Repairer he had a place in Pacific above Stockton. his wife also kept a Stand for the sale of cigars and tobacco etc etc from her I learned what I consider an important item for the interest of San Francisco, although I could learn nothing definite, as to names or description—She said that several times she had heard persons say when in her place that the D—d town or place would be burned *Seven times* & that the next fire would be in this part meaning in the vicinity of Stockton & Pacific. She did not think much about it at the time, only after the fire, when what she had heard came before her—on a cross examination, Said there would be *Seven large fires* & that the first would be *there*, could not identify the persons but heard it two or three different times, cause alleged the execution of Jenkins—I do not doubt the womans honesty her husband overheard her and after that I could not succeed in drawing anything more from her. Just, *Eternal Vigilance* is the price of Liberty I will keep you informed of anything deemed worthy of your attention

Respectfully yours

[Signed] Sam L Dewey[2]

Messrs Gregory & Co agent Mr Rumvill has kindly offered to ford my communication to you.

S. L. D.

[Addressed:]
Committee of Vigilance
San Francisco
Free
[Stamped by] Gregory's Marysville Express

Copy. San Fran Committee of Vigilance to [S. L. Dewey]

San Francisco June 28/51

M^r^ Sam^l^ L. Dewey
Marysville

Sir: The Committee of Vigilance of San Francisco have this morning received y^r^ communication of June 26^th^ and due note has been taken of its contents. As an Englishman named Lee left this place suddenly with watches & jewelry & a family of 3 or 4 children under suspicious circumstances we address a letter to the Com^{tee} of Vig^{e} of Marysville with particulars As you appear to think the husband prevented further disclosures of the wife relative to the fire, and we now believe him to be the person against whom a complaint has been made here, you will make use of the information to get him or his wife to disclose all the particulars relative to the threats of firing this City. The thanks of this Com^{tee} are offered you for y^{r} intelligence

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[2] S. L. Dewey, V. C. No. 314

By order
[Signed] James O. Ward Secy

[Endorsed, incorrectly] San Fran Committee of Vigilance to Lieut Derby Case of Samuel Church

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Copy. To the Vigilance Com of Marysville June 28. 1851

To the Committee of Vigilance of Marysville

A day or two after the fire of the 22nd inst. a watchmaker by the name of Lee left here very suddenly with his wife & family—he pretended to have lost everything by the fire, but there is every reason for believing that all his jewelry was saved & has been carried by him to some place—As several parties here have lost their watches by him we desire that you will investigate the matter & try & obtain from him some information his wife or family are possessed of, concerning threats made by some of the customers of her cigar shop here, relative to the firing of this City. This Committee will correspond with you whenever any information comes to it serviceable to your quarter.

By order
[Signed] Jas. O. Ward
Secretary

San Francisco June 28/51

Dickerson Statement Case of Lee

Francis Dickerson Colored man— My watch was in Pacific near Stockton with M^{r} Lee an Englishman he had a wife & 4 children 10 or 12 days before fire I had p^{d} him for cleaning it did not go well I took it back.—I went there Friday before fire he said 't was not done but would be finished Sunday A. M. —I did not go being a fine day, until alarm of fire. At the

Alarm I rushed up got to his house front doors fastened. I pounded and pounded ~~Saw~~ nobody. By & By a big man came to the door from the inside—I told him I wanted my watch.—He told me the watches were all gone I looked around the place could not see watches as usual, nor cigars that were there, they were all gone. The man s[ai]d they were all gone long ago.—While I was getting grain out for another man living in the alley right back of Lee's house—Lee came along with 1 box of watch cristals. He says for gods sake hold on to these until I can get my children—I held it a little while until M^r Lee came along with 2 children. Says he I am going over to that Brick house. I did not see him any more for a half hour.—He saw me again Said help me out with my things. I ran up to get in his back gate. I got suffocated & came down alley—I met his boy night before last on wharf—he said his Father had lost all.—He said he was on North Beach—I asked him to show me where He would not do it—I told W^m Jones & left my people at breakfast—I went within 25 yards of the house he had rented—I heard from woman there that he staid only one day & went off in a hurry. with trunks & all to Marysville. the woman said she had no doubt from his manner that he had carried all the Jewelry off—Lee's wife said to the woman that they had only lost some blankets—

his
Francis A. X Dickerson
mark

[Endorsed:] gone to Marysville

[*Report of Committee. Case of Scott*]

The Committee appointed to dispose of the effects of the prisoner Scott would respectfully report.

That we have obtained all of his personal effects, that was left or that can be found since the fire of the 22^d inst and have brought them to the Committee Room. That we have collected $44—and that we have the promise of $61.50 to be paid on Monday next, which amounts comprise all that is due the man Scott that can be found by your Committee after diligent search. The prisoner Scott has a house for which he paid \$175—and your committee have no doubt from offers that they have had for the said house that \$175 if not more can be readily obtained for it on Monday—all of which is

Respectfully submitted
[Signed] J. C. L. Wadsworth
" Thos McCahill
" B. Dexter

June 28th 1851

Thos Scotts Statement

Statement of Mr Scott—Goods belonging to him in his house
One Trunk
One Large Chest one and half bags sugar in same
one silver watch one chest tea
One Small Box
One Box with lock never saw inside
6 or 7 old Bed—Blanket for same
Joiners Tools

Geo. Hopkins's Statement

Case of Hopkins

June 28th 1851

George Hopkins.[3]—I am the only man that has been with Government vessels—I know all the convicts.—C. Baker on board store ship—he was a transport for life boarded from Hobart Town receiver of stolen goods—Captain Gates he shot a man. —he was in a Schooner called the *Ospray*. Captn. Candell has a shipping office.—he married a woman who was over the female convicts. Mr Austin keeps a shanty close by the house where a woman with wooden leg lives just past her house. has been a convict.—Wm Brown lives 2 or 3 doors beyond Martin's in Montgomery St—was a convict—Martin is a convict he is on board some vessel cant say where.—Willis—dont know where he lives. —Paddy Kelly was a convict sent to Norfolk Island twice.— last time Govr Philip—Tall man with red shirt named Kelly. I left(?) as Burns dont whether he is a convict.—knows a tall man black hair no whiskers dark complexion dresses as a Mexican. walks a little lame Jno Williams was a convict, 3 times 7 years.—I know 5 at Monterey

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[3] Hopkins was deported by the Committee. See voucher for his passage, No. 35, p. 780.

Flury McCarty.—a fighting man—Mr Shiffman[?] keeps a shanty. I know two Russels convicts. One round shouldered I have not seen them here. Guest was one of the apprentice boys that got fighting with the man I was arrested for hurting—He was serving his time at yard. as far as I know is a good boy.—I dont know the partner of Jenkins.—I may have passed a remark about a man who saw Jenkins put a safe in boat. If I did point a man it was a turnkey of Hobart Town prison a sht stout man a man who wears a black slouched hat brim a little stiff dark complexion, dresses in light cold frock coat, dark pants, small whiskers, from his ears down small featured man. I may have pointed out this man. I saw him pass by Mr Burnham's—I may have remarked that this man knew Jenkins. I think have seen this man with Jenkins. I knew him in Hobart after 4 years in irons at Port Arthur I think he was a companion of Jenkins.—I believe Burns was convict—

Evidence in Case of Hopkins

George Hopkins.—You work from Mr Burnham had been in this place six weeks—came from Hobart Town in the *Panama* —have been working for Burnham ever since—Never saw Jenkins till I saw him in San Francisco. Have seen him pass up & down Happy Valley. I have seen him drinking in little house. I might have spoken to him 5 or 6 times. House opposite Sherman[?] House.

Ralph Nichols.— I was at the house at the time Jenkins was hung Have never been to Scott's house—Thos Burns I know have been in his house—never saw Jenkins in Burns house—I was up there about a week ago to see about a man who took Mr Ramfords watch.—

Hobart Town left there 3 or 4 weeks since. I was not a convict—I did not work in ship yard—I was not one of the men. I was letting out a schooner called *Flying Fish* When I came

[June 28, 1851]

ashore to launch her there was some respectable people near schooner man there was blackguarding I told him to hold his tongue. He struck me. After I got up I had a fight with him. He took me to police office I was punished for it.—Never was in Burn's house but once. Have been in Uncle Sam one evening to have a glass of Grog.—All strangers to me in there.—might be half an hour. I drank with Marsh—May have seen Burns a score of times. I have seen him once at Uncle Sam & once at other house.—Dont know Hetherington.—I sleep at house opposite M^r^ Burnhams. Two men live in the house Fraser and me—M^rs^ Meyer keeps house—I have been at Marsh's twice.—Did not see Jenkins after he was hung. Knew Burns well in Hobart Town Cant say whether he had been a convict.—

Burns Knew George Hopkins. Sometime—Knew him to be a sailor on board government—He has been twice in the house where I am now—Never came there about a watch.—Dont think I ever saw him in house Uncle Sam—Generally came in several together. Does not know any thing about affair with a man when he was brought up for some serious difficulty—I know Dick Wilson was a shipmate of Geo. Hopkin's was a freeman very honest. Hopkins came in *Panama*. Jenkins had a tall slim man as partner no whiskers. Dressed black frock coat—black slouchy hat—Jim is his name—dont know Harry. I saw tall man Jim night before I was burnt out on Clarks Point. Jim twice at Uncle Sam. I understand he is at the mines Jim broke out of prison and went to the mines—Jim Wright is his name—Alick(?) tell all about him

Scott— Never have seen Hopkins

W^m^ Guest— On board Capt^n^ Gates.—Just after I came out of the house from dinner I met Hopkins—Says he holloa I says "they hung a man last night" he says "no the buggers murdered him" he says "but there's a mob gathering together that'll settle them"—"the man would have got away all right but this is the man that was with him his mate" and pointed a head "he helped him lower the things down in the boat and then he came away" The man he pointed out was very pale faced about 5 foot 8. had on black coat blk hdkf.—shirt collar hidden. no whiskers—stoutish built. I never saw man before.—I have known Hopkins sometime. When first he was rigging a schooner we built in yard at Hobart Town. Sch^r *Flying Fish* he was a rigger. I dont know whether he was a convict—There was a row in the yard. Hopkins was taken up about injuring a man.—H. has been working at M^r Burnham's. I have only spoken to Hopkins twice since I have been here—Capt^n Gates lives on board with his family on board the *Orator*—takes storage Dick Wilson lives on Clark's Point. was a convict.—I am sure Hopkins is one of a band I dont like to have him see me—Capt^n Gates sailed from port to port at the Islands—I have known Capt Gates 4 or 5 years he resided at Hobart Town. was not married when I first knew him.—Capt^n Gates has been here 6 or 7 mos brought down the *Isabella* Sch^r he owns the Storeship *Orator*—He has on board Flour and wine and Junk Beef all large lots.—All our goods come in Lighters—I knew Capt^n Candell in Hobart Town he had charge *Water Lily* Schr Sometimes went to China Sometimes to Sydney. He is a married man. I think he was married in England.—His wife kept a school—Capt C. keeps a shipping office here—Capt Gates was mate of the *Ospray*. He always bore a good character. I knew Capt. J. Thomas he was mate of a vessel.

I know Baker by sight.—Tall man slim,—when I saw him, had on blue shirt navy cap. no coat He was pointed out to me by Capt^n Gregg. I know Capt^n Patterson dont know what he is doing—he used to command a vessel bringing cattle—his character was good. I know a man in Hobart Town a water man named Burns. pale in face short stiff, he was a convict—have seen him here have been in his house. He was free when he was a waterman—As a waterman I never heard anything bad of him.—Dont know Scott or Lavers or Hetherington—Burns I have heard was coxwain of convict boat—I came here night of fire of the 4th May—I know M^rs Morton wife of carpenter

[Signed] William Guest

SATURDAY, JUNE 29, 1851

MINUTES

Proceedings [of Executive Committee] June 29, 1851

June 29, 1851. Morning sesion.

Present S. Brannan Schenck F. Woodworth Curtis Bromley Brinley Gorham Spence Oakes Bluxom

Schenck in chair—Brinley secy.

Deposition of A H Reed taken respecting stolen property—.

Moved that it be given to Chief of Police, to make detail, of sufficient men, and to scour Sydney Valley— passed—

Sam Church introduced—deposition taken—deposition of Wm Gessner & Mann also taken—

Motioned that the depositions be laid upon the table until a majority committee are present—passed.

Benj Robinson introduced, as being concerned in the last fire of 22d June—[1]

Ordered the arrest of Wm. Robinson and Mrs. Margaret L. Robinson as being accomplice of Ben in setting fire to the house on Sunday morning—

8 P. M. Evening Session 29 June 1851.

Present. Brannan Brinley Payran Graham Curtis Ward Garwood McCahill Oakes Bromley Turner

Mr Brannan in the chair Brinley Secy.

Motion to read testimony of Ben Robinson. passed and read.—

MONDAY, JUNE 30, 1851

MINUTES

Proceeding Ex Comm 30 June 1851

Ex Committee San Francisco June 30. 1851

Present Mr W L Bromley Schenck Oakes Curtis I Bluxome Jr F Woodworth S Woodworth W T Coleman

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[1] Benjamin Robinson, known as Negro Ben, was arrested by the city police June 28, on the charge of arson, released, and allowed to fall into the hands of the Committee. The final report on his case (p. 267), alleged that this was a plot, designed to hurry the Committee into action against Ben's mistress, Mrs. Robinson, whom he accused of inciting him to start

J C Ward Garwood McCahill S Payran

By request of Mr H P Jones report of Commt for the disposition of Scotts effects report received and committee discharged; Said committee handed over $230 50/100 and Two watches. The funds & watches handed to the Sergt at Arms

Report of the Ex. Committee relating to Church the Horse thief.

Executive Committee. Monday morning June 30th 1851

Present. George Mellus in the Chair—Bluxome Oaks J. F. Spence Curtis A. J. Ellis

To the Genl Committee—In the case of Saml Church arrested on the charge of Horse stealing.

Resolved, that while we are fully satisfied of his guilt we recommend that he be turned over to the Sergeant of Dragoons now in waiting that he may be dealt with as a Deserter from the U. S. A. or as they see fit—as we do not consider his case comes under our jurisdiction.—

Resolved that the Sergeant at Arms reimburses Mr Guissen a witness in same case for any expence he may have incurred in comeing here at our order to give his evidence[1]

There being no further business before the Committee it was accordingly adjourned—

[Signed] J. F. Spence Acting Secrty

MISCELLANEOUS PAPERS

Lt George H Derby. Letters. V. C. vs Saml Church

Sonoma Cal. June 28, 1851

Gentlemen of the "Vigilance Committee" San Francisco

By the return of Sergeant Mann this morning I received the gratifying intelligence that Samuel R. Church whose case I communicated to you the other day is now in your hands. I lose no time in sending down evidence to convict him. The man Ges-

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the fire of June 22. This charge he retracted when confronted with Mr. and Mrs. Robinson, who were also taken to headquarters. All three were at length discharged.

[1] See voucher No. 123, p. 803.

[June 30, 1851]

singer who accompanies Sergt Mann, knows the horse well and recognized him when rode by Church, but he moreover was informed by Church that it was my horse, and that he had stolen him. I apprehend however that you will require no evidence but the man's own confession, as he always takes pride in boasting of his own villainous actions—

It was not to have this man arrested as a deserter that I applied to you. If turned over to the authorities he would receive fifty lashes & being then expelled the service, would be thrown loose upon Society free to prosecute his career of crime until finally brought up by you—My object was to prosecute him as a horse thief, and notorious villain generally before your body, with the hope and belief that on being convinced of his guilt you would promptly execute him and save society and yourselves much future trouble—This course I trust will be adopted—

Should you wish my attendance, or affidavit, by sending me a summons tomorrow morning by the little Steamer *Georgina* I will appear before you at once or forward any further evidence deemed necessary, according to your wishes

With high respect
Your Obd^{t} Sev^{t}
[Signed] Geo. H. Derby
Lieut U. S. Army

The "Vigilance Committee" San Francisco

Should you come to the conclusion not to execute this man, I shall be obliged to you if you will turn him over to the civil authorities as a horse thief, that he may be tried by them & I will appear against him, as though I should prefer to see an immediate example made of him if possible, yet if not I doubt not he would be treated with proper severity if left to the slow course of the civil law

[Signed] Geo. H. Derby

[Addressed:]
"The Vigilance Committee"
San Francisco
Cal.
By Sergt Mann

[June 30, 1851]

Description of the horse stolen from the Public Stable Sonoma Cal on the 9th of June, from Lt Geo H. Derby. by Samuel R Church. a deserter from the U. S. Army.

A large gray gelding, about 10 years of age, stands nearly 16 hands high, slightly dappled on his hinder quarters, and branded

U S

(faintly) on the left hip 2 D This horse was brought to the country by Capt R Campbells from Louisville Kentucky in 1848. For the last two years he has been well known as my property, and is the horse that I raced with the man "Maria" at Napa, in May last.

[Signed] Geo. H. Derby,
Lieut U. S. Army.

[Endorsed:] July 1st 1851 Lieu^{t} Geo. H Derby notified to appear and testify

[Signed] S Payran

Samuel Church's Statement

"Sam'l R Church" enlisted in Syracuse for during the war for general Services" Went from Syracuse to Gov^{s} Island to Mexico landed at the Brases left Gov. Island about March 1st "teams ter." after arriving at Buena Vista was detailed to Shermans battery—Serve 16. M^{os} in same batery untill peace was declared, was marching for New Orleans, was discharged at Monterey—and reenlisted immediately, left July 25th 1848, The detachment left Carmargo for Monterey. heard of an attempt to explode a shell under Capt Braggs tent at Walnut Springs Was laying at buena vista and heard that several attempts were made to explode shells under several officers tents at Walnut Springs I was a prisoner in the guard house and was examining a cartridge and gardner picked. "Thomas Hackett", exploded shell and was sent to the States [*Sic*]

Church requested the presence of Mr Isaac Randolph, Mr. Schultz Mr McDonald Mr Cameron Will Boggs all residens of Sonoma

Sam^{l} Church—his Statement

About the 1st of April—I was a prisoner under punishment at the time—had ball and chain on at the time—made fast to a

[June 30, 1851]

post in the garrison—being no sentinel over me I made my escape—the blacksmith Thomas Douley, he cut the chain from my leg and left me free—this occurred about noon—no sentinel at the time on duty—I was chained in the coral, and as soon as the chain was off my leg I took a horse belonging to Company C—had no saddle snaffle bridle—mounted him and put out—on the road to Napa—Napa is twelve miles from Camp—had got about 3½ miles from Camp—met Major Smith and D^r^ Campbell—recognized them—was not in the road when I saw them—came within a rod of them before I saw them—did not salute them—the Doct rode out and ordered me to stop—made no reply—did not stop—on a gallop at the time—did not quicken time when he spoke to me—do not know that Major Smith said anything—when they found I did not stop, they gave chase, and followed me to within sight of Napa—after this did not see them—crossed a creek about 1½ miles above Napa—and struck on to a trail leading over the mountain—crossed over into Suisun valley—You went to M^r^ Guisner's house and staid all night—tied him to a tree to feed—arrived about sundown—M^r^ Guisner seemed surprised to see me there—asked what made me leave—replied that Sergt Daves was so obnoxious that I could not remain in the C^o^—Mr Guisner advised me to go back—took his advice, and started back—after remaining nearly two days—started back for camp about noon the day after the one following time of arrival—You met Sergt Mann about 2½ miles from Mr Guisner's.—I was going down the main road—saw him about 30 rods to the left on a path—stopped in the road when I saw him—I shouted to him and he road up—conversed with him a few moments, as to who was after me &c. told him I delivered myself up to him—do not recollect that Sergt Mann said anything to me—do not know that he was armed—did not present any—gave myself up voluntarily—he took me back to camp—arrived in Camp just after dark—put me into the Cook room—with a guard over me—think it was the next day in the afternoon that I was taken out, and again ironed me to a piece of iron about 40 foot long—could not work with this attached to me and they took about half of it off—was then employed about the stable—made the remark that if ever I got away again, thought they would catch me—told them that I could not work with so much iron attached to me, and they took off this piece of iron

When the Company left Sonoma, they took me Benicia—think I remained there about a week, and effected my escape a second time—nothing but a chain on at the time—I was confined in the guard house at Benicia—has a porch in front—went out after a drink of water, between daylight and dark—Sentinel at the time walking up and down the porch—availed myself of the opportunity when the sentinel was at the further end of the porch to go out—started off on foot in the direction of Napa—had no money at the time—lost my way and got into the mountains—stayed there all night—and the following day about noon found myself beyond Sonoma—about sun down arrived there—went to a house called the 9 of Diamonds—Roger keeps the house—a hotel—there found my clothes, which I left there when the Company left Sonoma—had my uniform pants, six col^{d} blankets. 3 or 4 shirts—and a pistol—about 9 or 10 o'clock in the evening went to the Co^{s} coral, and found Lieut Derby's horse there—also another horse—dont know whether Lieut Derby was in town or not.—took his horse—and went to the stable and took a bridle from the outside—bridled the horse, and went to Mr Anderson's house on the square—keeps a livery stable—picked up a saddle in the road in front of his house—tree of an old Cal. saddle—saddle complete, took the saddle, as I took the horse—then went straight to Mr Geisner's—and arrived there about 10 o'clock—he said here you are again—yes—says I—and asked him where the best place was to get work—remained there about an hour or an hour and a half Mr G. accompanied me, part way on the road he pointed out a trail that leads to the road to Sacramento.—stopped that night near Cast Creek—the next night about sundown arrived in Sacramento—overtook a man on the road—subsequently learnt his name to be Green—was leading 4 horses into Sa^{c} fell in with him about 18 miles from Sac—the horses that he had called his own—was bringing them in from a ranche—keeps a yard for horses in Sac—on K street—wanted to buy the horse I had—told him I did not want to sell—went with him, put my horse up, and staid with him two or three [days]—and went about looking for work—could'nt get work, and pawned my watch for $10 to Green—silver watch paid for clothing and feed of horse about $8—sold Green the horse for 85—sold saddle & bridle to a stranger, for 16 $101 told him the horse was my own—the purchaser asked for no bill of sale—remained in town about two days after sale of horse &c.—Thought I'd go to Stockton—went to horse market and bot a horse for $68—took a bill of sale—called myself W^m^ Snow and bill of sale was made out in that name—sold the horse the next morning to a stranger

got $67 for him—sold at auction—gave bill of sale for him—saw Mr J. B. Cole, who advised me to go to San Francisco—thought I could get work there—Green asked me "how long I had owned the horse" "told him about a month"—intended if I procured work in Sac. to send the horse back—left the next day for S. F. in the "*Confidence*"—the 2^d^ day after my arrival here obtained employment from Mr Potter of the Steam "Paddy"[2] You went to the Atlantic Hotel—Central Whf—have been boarding there up to the time of my arrest—Went to Stockton immediately after my arrival staid there one night and returned —then found employment with M^r^ Potter—

A cook to the officer's mess named Henry at Sonoma had a dark bay horse—branded with two S's W+O—he turned him out to feed and lost him—he offered $25 reward for his recovery. —I told Henry that I thought I had seen the horse—saw a man riding in the town on a horse which answered to the description of Henry's—a Californian—the mans name is Geo Spence—lives about 2½ miles from Sonoma on a ranche—no acquaintance—Henry said d—n the horse, I have offered $25 for him and can't get him—asked him if he would give me the horse if I got him—he said yes—gave me the brand—told Sergeant Whitehorn if he could find the horse I would give him half—we went out together the next day, and could not find him About a week afterward a boy in town—named W^m^ Ray, came in about sundown and thought he had found the horse—saddled my horse went out and helped drive him into the coral—kept him two or three days and traded with Sergeant Whitehorn —told Ray I would give him half to find him—gave Henry's horse to Whitehorn, for a horse that Whitehorn had, and $20 to boot never rec^d the $20.—Whitehorn was to pay Ray his share —sold the horse I got of Whitehorn to Anderson for $30—

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[2] The steam paddy was a machine used for excavating, and for cutting down the sand hills.

John Mann's Evidence. V C vs Samuel Church

John Mann— I know Samuel Church I know he has stolen 3 Horses one horse was stolen from Company C. U S Dragoons about April last—another was stolen and sold to Robert Anderson, Sonoma was afterwards claimed and delivered was hired to L^t Derbys servant by Anderson and went to Napa and was taken there—Another was stolen from L^t Derby Typographical Engineers—I know that he stole them and was seen with them in Sonoma—Samuel Church was formerly a member of Company C U S Dragoons—S Church is known to be a thief all through the company—Mr S Church has deserted from Company C twice—Guisner a farmer in Suisun Valley, saw Church with Lieut Derby's Horse at the time he stole the Horse

Mr Davies the orderly Serg't of C^o C was knocked down and kicked and injured so badly that he was not able to arrest him—by Church and his confederates—I arrested him with one horse and took him back to camp at Sonoma

[Signed] John Mann

Serg^t Mann, States About a week before his 1^st desertion, he was sentenced to extra guard for bad conduct, he refused going on guard, and smashed the carbine, and drew the sabre and cut the post with the sabre and swore that the first man who attempted to stop, that he would run him thr^o—He then threw the sabre down and ran up the "9 of Diamonds" House—Sg^t Davies and private Beane went after him—when he saw them coming, drew a pistol and fired one or more shots at Davies—have heard him say he would kill Davies—they went back, armed themselves, returned and arrested him—carried him back into quarters. He was put up stairs with a sentinel at the bottom to keep him there—my room was an adjoining one to the one Church was in—I was lying ill at the time in bed—he came into my room, drew a sabre which was hanging up on the wall, and commenced flourishing it about, breaking some glass and cutting the door—

I cried to the Sentinel—"to take the man out"—he swore he would run me thr$^{o.}$ and came towards me, I seized a carbine and told him I would shoot him if he did not lay the sabre down.

The sentinel hearing the noise, came up when Church dropped the sabre—Sentinel knocked him down—subsequently the guard took him away and when I got out of my room, found him chained to a post—during the time he was chained he uttered many threats against Sgt Davies life—believe that Lieut. Stolman ordered hand cuffs to be placed upon him—went in to dinner, and the prisoner was left alone,—coming out from dinner saw prisoner on a horse going off.—about 12 o'clock in the day—The Blacksmith was not in at the mess at the time I was. Asked Blacksmith how he got the irons off—did not know—came to the Country by water—*question by prisoner* thought he was in liquor at the time—*same question to Geisner*—believe him drunk

[Signed] John Mann

W^{m} Gessner's Evidence. V. C. vs Sam^{l} Church

William Gessner lives in Suisun Valley Knows the prisoner "Church" The latter part of March last near sun down met Church with a gov^{t} Horse Briddle & no saddle, and he stop with me Two nights I learned from him he had deserted and asked him what he was going to do. I found that he was irresolute and advised him to go back, and give himself up. and he promised to do so and started on the way towards Sonoma"

About 3 weeks ago I was drivin Horses toward my correll and found Church standing near my house and asked him what horse he had and answered it was L^{t} Derby horse of the Top. Eng. and asked him whether the officer had done him any injury that should steal his horse and he said no. He asked me if he could get any work in the Valley—The Horse was marked very plainly with the branding iron. Mark was "U S" The distance from
D

my place to Sonoma was Twenty five miles and from the time Church said he left and when I met him it appearing he had ridden hard and the Horse was not fatigued and think him to be a very valuable horse I knew Church coming through from

Mexico he acts were noted wore a wooden badge marked "Thief" and was very troublesome during the March in coming throug the San Joaquin Valley "Church" shot his horse with his carbin was sentenced to eight months imprisonment I heard that he shot at Sergᵗ. Davis at Sonoma and think his character is bad

S K Moore's Evidence. V C vs Samˡ Church

Samuel Moore I know Samuel Church I know that he fired at one of the Sergtˢ he was tried by Court Marshall and condemned to serve out his time in irons and escaped with his irons on—the time he had to serve was about 3 years—and then to be drumed out of the Regiment—Major Leonard told me that he stole a horse and desired me to arrest him and report to him of his arrest—

[Signed] S. K. Moore
at Captⁿ Folsom

[*Case of the Negro, Ben Robinson*]

Statement of Benj. Robinson— Have been living in San Francisco about one year and a half—have been living during my stay here up to time of fire with Wᵐ & Margaret Robinson—live near the North Beach—since the fire—lived on Pacific St. above Stockton on the right hand side previously— She is a washwoman—her husband collects the clothes—her house was situated about 60 yards from the fire—lived there about three weeks—moved from the right hand of the street to the left hand—near where the fire broke out. fire broke out about 9 oclock in the morning I was in Mr Robinsons yard at the time taking my breakfast—

The morning of the fire I was sleeping out in the yard—Mrs Robinson came down and woke me up—about sunrise—and asked me if I had done that thing—I told her "no", and that I did not want to have anything to do with it—she told me if I didn't do it, that she would split my head open—and laid hold of an ax. told me to go at once and fire the house—so I started off, with some matches in my pocket, and strolled up street to a house next to one owned by Mr Kirby, in which Mrs R—had lived previously—went along side the house, and dropped some matches into a quantity of shavings lying near the house think it was about an hour before the bell rang for fire, that I dropped the matches—I then went back to get my breakfast, saw Mrs Robinson inside—she asked me if I had done what she told me—I said yes—she ran upstairs at the sound of the Bell and sung out to me to come upstairs and get the things out as a fire was coming down upon the house—she saved all the things—have been on very familiar terms with her she has flogged me . . . She said she would pay me if I would set fire to the building—never have received anything—

Mrs Robinson stole a trunk belonging to Mrs Bosley during the fire—

I was arrested on Thursday last at noon by two police officers —never saw these officers in Mrs. Robinsons house—the officers told me they heard Mrs. R. tell me to fire the house, they took me to the station house—they said they would clear me but wanted me to punish Mrs. R.—they said they listened at the window and heard the conversation inside had previously lived in the house I fired & was turned out—she had a grudge against the owners & said she would "pay them off"—Mrs. R. has great influence over me—I never stole for her—She had me arrested once before . . . I was taken to the station house on Sat. night & was discharged Tuesday morning—

I cannot read nor write & have no education

Mrs. Robinson is a prostitute—I believe she has had no child lately, although she says she has—Gov Shannon carried home some money belonging to me for safe keeping till I get home—I feel very sorry that I set fire, I want to go right out the Country at once—I am afraid of my life from the mob—

Mr. Robinson knew nothing about what Mrs. R. had told me—Mrs R. often fights with her husband—

The officer who arrested me promised me a suit of clothes & $200 if I would tell the truth about Mrs Robinson. After the fire Mrs. Robinson met me & said, "Well we wont have any more fuss with the cursed d—l—his house is burned down now—

Cross examination—When I went out to fire the house, we had

had no breakfast there was nobody in the street—I was gone fifteen or twenty minutes—

I am not a slave was set free since being in this Country—David Connolly was my master—John Connolly was his brother—he is known to Mr. Bromley of the Committee—

Statement Wm Robinson— My wife's name is Margaret L. Robinson—*sworn*—If I was going into eternity at the next moment, I could say, or know nothing respecting the fire 22d of June—I was in my house when I heard the Bells ring—had been out previously, and had been back about 15 minutes to half an hour. Had a old man living with me named Ben—had no suspicions that Ben was the incendiary—drank sometimes—once took him to the Station house for taking liberties with my wife—2d time took him to Station house, for using insulting language & bein[g] tipsy—returned Saturday night to bed at about 10 o'clock—left my wife up with Mr Davis—helps the grave digger—She went to bed about ½ past 10.—generally rise about six o'clock—wife rises early—found her up on the morning of the fire—Ben was there off and on—during the morning—went to carry some clothes—Ben slept in the Yard Saturday night—give him his board. dont pay him much—wife got up about six o'clock Sunday morning, I think—saw Ben there when I got up—Ben was in the house when the Bell rang—I was sitting at breakfast table—got up— . . .[3] I jumped up & said I would see where it was. She (my wife) said that there was fire & that I had better move the things out—I said let the things be I would go and see where fire was She thought I had better move the things out.—I think they had not moved things out when I came back. I only went a few steps. I think fire was coming from top of house. 'twas all in flames when I saw it there were several French people about—when I came down stairs early in morning I think I saw Ben in yard.—As soon as I saw fire I went back & commenced getting my things out.—I took my things by side of Powell St.—I have 4 trunks.—I moved them on hill near where some of the Committee lived—The Frenchman[4] had things moved with mine. All I had was 4 trunks.—There was one trunk more —did not belong to me— That one was taken back to Mr Woodruffs building—I told Police officer there was other things belonging to Frenchman. That trunk was put in house on corner, Mr Woodworth's Ben would drink. Sometimes behaved bad & was saucy. I have ordered him away.—I have confidence in him sufficient to send bundles by him.—I think he would lie about drink. I thought sometimes he had liquor & he would lie about it.—I think he was honest He was very prompt to do anything. he obeyed always.—He would mind my wife quicker than he would me—I have seen my wife flog him—He used to be afraid of my wife.—I rented a house before fire of Mr Kerby.—I rented by the month—I never had what you called a difficulty with him. —I made the bargain for house & my wife too—She didn't do all the talking herself.—She says here how do [you] want the rent. he says in advance—She says we are short & asked if it made a difference he says no—I was to pay $70 per month—I remained there for one month—I rented out a part of it.—I never had a dispute with Mr Kirby—Mr Kirby turned us out in consequence of fire said he wanted house—He sent Mr Bennett to us I had not paid rent. He said he wanted house before month was out.— My wife spoke to Mr Bennett & Mr Kirby both—She spoke pleasant to Mr Kirby—he said he gave Bennett an order to get rent.— She told Bennett that we had hired house by month—Once I brought down my pillow from his room he spoke cross about it.— I said I knew nothing about his pillow.—All passed pleasantly My wife felt a little mad about the pillow business.—Ben has been living since in house opposite where I live—He has not lived with me since fire except one night. the night of 23d June —He has been at my house since fire—I never heard him speak about fire.—

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[3] The MS is here somewhat confused, owing to a change of reporters.

[4] See Petition of Victor de Gray, pp. 210–212.

[Signed] Wm Robinson

Mr. Hartford Joy. I am member of Committee.—Sunday morning, dressed and was going to Church. I went to church near P. O.—I passed by man reading newspaper.—I passed by near where fire was near E. Church & then I heard man cry fire.

I saw where it was & saw smoke issuing from East corner—I was 2nd man that hollered fire. went [when] I got down there (which was about 600 feet from where I stood) I saw a door open & 3 men taking a table out of house on fire. But few people about.—I then went on hill & saw roof saturated. I saw no stove pipe.—I asked the man how fire caught in your attic he said 'twas not in his house—he said his servant found all his house on fire.—I am sure fire caught in his house It could not have been 6 minutes after the man called out fire that the whole building was on fire. I do not think the fire could have caught from below because men were passing things out of 2d story while roof was falling in—I feel confident the fire was in attic—I was on west side of house—The house below was not on fire. Neither first nor 2d story were on fire. East Gable end was first on fire. About two feet from end. I though first 'twas stove pipe.—One side was kind of stable. South side—Lot of Lumber on west end of house—Low shanty East end close to it.—

[Signed] Hartford Joy

W. L. Kirby. Last house on Pacific St. between Stockton & Powell there is a 100 vara lot between Powell & Lot with about 100 feet Lumber on it.—My stable was at back of it. On morning of fire 'twas about 9 oclock when I went out past this alley to stable. while seeing to cleaning of saddle and horse—I saw negro man that had been living with M^{rs} Robinson. He was on opposite side of Pacific St & seemed to be watching me. I got on my horse and rode over to my breakfast a little beyond Dr Ver Mehr's Church.—I had just arr^{d} there & was watering my horse when I heard the cry of fire.—I ran over to house.—went up stairs found 2 garrets particularly the back one on fire.—I presumed at time that fire originated in that spot, altho it might have begun below. The side next carpenter shop was not weather boarded, but lined with his Lumber & papered over cotton.—The fire might have started in the shavings underneath the shop & burned up—there was a space of 3 in. between shop & house—I did not see any fire in lower part of house when I went in. Down below 'twas weather boarded on inside I did not see any fire on canvas. Only saw fire in attic. I was not away from my house 10 minutes I dont know that the fire could have communicated to the attic in 10 minutes—Delessert occupied the part 2 & 3d stories including attic in front—Myself & partner occupied balance no one was in our portion of house the morning of fire. Dont know who was in Mr Delessert's house morning of fire Fire did not begin in M^r Delessert portion of house No stove in house—no fire used in house—I suspected the negro of setting fire 2 or 3 days since in consequence of living with the person he does—I once arrested him because he was climing over the fence at night about 9 o'clock—He gave no reason for being there I let him go—On Sunday he had no bundle he was going up Pacific toward Powell—I never had words with Mrs. Robinson respecting rent I gave her up the rent—M^r Bennet was in San Francisco when house was rented She didnt move for a day or two after the time expired.—I dont suspect the parties of wishing to fire house from Revenge—I did suspect the negro & had him arrested. When they moved out she had no furniture of any value—she rented out all house except one room—Was in house 5 minutes none of rooms down stairs were on fire—smoke down stairs—There were 2 or 3 persons in house when I arrived there.

[Signed] W L Kirby

W. W. Colwell— My testimony is I was walking to church—I passed along up Pacific towards Dr Ver Mehr's church as we were opposite to upper house I heard cry of fire smoke was seen by others coming out of upper part of house—I immediately looked across street to the upper front window & saw the fire running along what I took to be cotton lining ceiling from East to West—There I noticed a person desirous to enter front door which was fastened inside—I called to burst door open He again shook door & a person opened it from inside—I dont know parties. I passed into alley & got water & passed one pail up into upper door—I did not enter house. I then walked toward our church—when I first saw fire it seemed to be on side near carpenter shop.—

[Signed] W. W. Caldwell

[June 30, 1851]

W. L. Bromley.— On Sunday when I was sitting in S. at Arms room—heard alarm went [when] I got to fire the carpenter shop was more envellopped in flames than M^r^ Delessert's house so much so that I asked how c shop caught on fire they said it had caught in house next.—fire had not got to West end of house East end was in flames—A light wind was blowing.

Margaret Louisa Robinson.— I dont know anything about origin of fire 22 June—I have had a man named Ben in my employ a negro—he is not now in my employ—he was living with me last Sunday—he was in my house or entry or yard when bell rung for fire.—I did not hear him say anything about fire. I was ironing at time.—I was up at 6 o'clock that morning. My husband was in house when bell rung—he was just setting down to breakfast—he rose when bell rung—I think the D^r^ was first person who heard bell.—My husband went out & all the rest of us—I looked out only—Fire was on Pacific Street—A Doctor was there—I lived on first floor—I went across the street & saw the fire coming out—I heard 'twas in Pacific St.—I think 'twas M^r^ Kirby's I saw on fire or the next building.—The whole one side of house seemed to be on fire—it seemed to be all enveloped in an instant. 'twas the end near the Bay that was on fire.—I supposed both were on fire. buildings are very near together. when I got back the landlord came in Col Whiting to assist Col W. & several others helped get the things out.—It seemed to me that it must have been the work of an incendiary, but I heard the french gentleman made coffee with spirits & that it caught from that.—Ben was saucy to M^r^ Robinson but I always put him down—I believe Ben was honest. he washed—I paid him lately 30 dollars.—I pd him 3 weeks at the rate of $100 I dont thing anyone could manage him as I could. I never suspected Ben of setting fire to this house—I never suspected him of stealing—but heard a D^r^ say he had stolen $30 from him. Sometimes he took a little [of] the change when I sent him for anything.—He came to this country with M^r^ Connolly over the plains I dont know whether Ben has sent money home altho he says he has sent money to Memphis—When I first saw him

[June 30, 1851]
'twas at the Marine Hospital—Sheriff Town recommended him—Ben was with me in Dupont Street—was with me in San Jose—I used to strike him sometimes—He would sometimes use vulgar and profane language—I lived in Pacific St. one month—in house that was burnt.—I never heard Ben brag that he had set house on fire.—I never heard him express any animosity toward M^r^ Kirby—M^r^ Kirby desired M^r^ Robinson to prevent the nigger from crossing his lot— I had not the least reason to beleive that he would dare or be wicked enough to set fire to a building.—My husband said "ther's a fire I'll go & see where it is." I said hurry and see where it is—Dont know whether Gov Shannon took home money to Ben's family—I did not lose much at the fire I had not much to lose—I lost $323 and 1 gold button—I carried it to Mrs Jack Hays—She took it—Afterwards I got it again—then I carried it to M^r^ Woodworth's room & I counted it in his room—I afterwards had it stolen from me.—The money & pocket was all gone—I lost it near this house—I was walking down with Capt King. I should like to be able to give you information respecting fire—I believe Ben to be pretty honest excepting about change, of which I spoke—There was a yard attached to my premises—Ben slept upstairs afterwards he slept one night in shed 'twas either Thursday or Friday or Saturday I think Friday or Saturday night. Ben always got up at daylight. I sent Ben twice at night to take clothes to Blackman—I dont remember sending him anywhere on Sunday morning.

Ben Robinson brot in— I have no boarder—One young man has staid there—I may have sent Ben to Grocery but not with clothes—I dont know but tis likely he was sent on Sunday to Grocery—I think I sent him to Grocers—Ben went to bed before I did on Saturday night in yard.—I might have told him to make a fire in the morning—

Ben Robinson says that Mrs Robinson never told him to set the building afire.—I did not set fire to the building—A man told me that he would pay me The man was an officer—(Harding)

G. K. Winner. testimony in Ben's Case June 30 1851

"George K. Winner," lives near the corner of Stockton & California Streets, Knows the Black Man Ben . . . I know that M^rs R. has had the man Ben under perfect control, and that he wou'd do anything advised by M^rs R. he has been employed by me at different times, and during the days work would stop and say that M^rs R. wanted him

[Signed] Geo. K. H. Winner
San Francisco June 30 1851

Report of Commt on Effects of Tho^s Scott

The Committee appointed to dispose of the effects of the Prisoner Scott would in addition to their report of Saturday evening last most respectfully add,

That they have settled up and disposed of all the prisoners effects and have received in cash $230 50/100 for the same, which the prisoner says is perfectly satisfactory—There being nothing farther for your committee to do they would beg leave to be discharged—

Respectfully Submitted
[Signed] J. C. L. Wadsworth }
" Thomas M^c Cahill } Committee
" Bela Dexter }
[Endorsed:] accepted June 30/51

Receipt of Sergt at Arms for the effects of Tho^s Scott

Received June 30th 1851 of the Executive Committee Two Hundred and thirty dollars 50/100, also two watches belonging to Thomas Scott, which property was returned by Committee for use of said Thomas Scott, and now placed in my hands for further order

[Signed] A. Jackson M^cDuffee

John Morris. Testimony June 30 1851. Case of one Clay

M^r John Morris states— Clay kept a brothel in Sydney—Was sent to Sydney as a Convict—Probably his term had expired when he left for this place. Left Sydney in April about the 7th 1850, and arrived here either the last day of June or the 1st of July in the Ship *Una*—Was proven to be a thief on the passage, having been caught stealing and in every manner proved himself to be a villian on the passage. He is connected with a band of robbers Scott & others at this time. Is one of the ringleaders.[5]

Before the hanging of Jenkins this man lived in Montgomery $S^{t.}$ next door to the Merced Mining Companys office say a few doors south of Bush S^t on the right hand side going south, kept a grogery and brothel, a rendezvous for thieves—Since that he has disappeared until the morning of the fire of the 22^d June when deponent saw him near the head of Montgomery S^t on the hill, apparantly in charge of a parcel of Boxes & trunk—Enquired and understood that said goods belonged to Hall who is now in prison charged with the drugging of an indian—

Said Clay is a man about 6 feet high Straight, pale villianous countenance—no whiskers—wears greenish pants Sack coat and a black soft California hat. Dresses rather genteely—

John Morris— I knew Mr Clay on his passage from Sydney to San Francisco by ship *Una*—he had a very bad character on board—he was connected with and accused of theft and riotous—he was seen to pass wine through the port hole as search was taking place—The *Una* left Sydney on the 7 of April 1850 arrived in San F on the last day of June 1850. I took particular notice of Clay at the time of the row on board ship—upon many occasions I noticed him as a most violent desperate character—he follows no laudible employment here for a living—is an associate of Scott and others of the worst characters—he left here about the day of the death of Jenkins—I again saw him on the morning of the last fire, the 22^d of June—I inquired whose property he was with and learned that they were Halls the same man now in prison for the murder of an Indian named Frank Brewer—Clay was intimate with Hall on the passage—dont know that Clay lived on north beach Know that he lived in Montgomery St near Bush st—A man by the name of Gilligan told me he was robbed of several hundred dollars

[Signed] John Morris

San Francisco June 30, 1851

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[5] William Clay, a Sydney convict, was implicated in Whittaker's confession, arrested by the Committee and sent out of the country.

M. McCloud. Testimony June 30th. 1851. Case of Mr Clay

Niel McCloud I know Mr Clay he lived next door to me on Montgomery—I have never spoken to him—Mr Brennan came to my house one evening and three men came out of Clays House and insulted Mr Brannan—I gave two of them in charge of an officer—one by the name of Ray escaped from the officer and went back to Clays house and was arrested afterward I appeared at the Recorders Court the next morning and they were each fined $20 from what took place before the Recorder it is my firm belief they were there frequently—I saw Clay this afternoon he passes my house two or three times every day—Clay keeps a woman known to be a prostitute in the Colonies—three or four days after the death of Jenkins she left him he then sold out his place and went to Sacramento but has since returned—Ray has since been in Prison and in double irons for assaulting a Frenchman in Prison—Clay kept a house of notoriously bad character—

[Signed] Niel McLeod

San Francisco June 30, 1851

Thos Burns. request June 30 1851

Thomas Burns— states that Frederick McCan—Known as Fred the Boatman sold to me a watch for thirty dollars which he bought of Mr. Lavers for 28$ he came to me on the morning I was arrested and asked me for the watch he had sold me—and that he would bring me the thirty dollars in the evening—which he did not but left for the mines immediately—has a scar on his neck—

[Signed] Thos Burns
Hobartown

San Francisco June 30, 1851

John Hennesseys Statement

John Hennessey. Knows Betsy lives in same house Mr Curtis formerly lived in on Broadway—Mr Curtis formerly kept a livery stable—Knows Betsy to have been a convict—has not served out her time—lives with Mr Radford—Mrs Radford formerly had Betsy in her employ as a convict servant—Wm

Brown also lives on North Beach and is a thief—believes he would steal with the gallows before him—Knows Mrs White to be a convict also lives on North Beach—

San Francisco June 30, 1851

TUESDAY, JULY 1, 1851

MINUTES

Minutes of Executive Committee July 1st 1851

At a Meeting of the Executive Committee on the First day of July 1851 there were present S Brannan G. L Garwood George Mellus E Gorham Isaac Bluxome Jr George Oakes Charles Brindley W. L. Bromley David S. Turner G Schenck James F. Curtis Stephen Payran

S Brannan Chairman

Stephen Payran Secty

In the matter of John Smith charged with Larceny, it was ordered that a certificate of an Honorable discharge be granted him Certificate Awarded

Statement of H. P. Jones read

Resolution of George Mellus

That it is expedient to get official information as to name of officer who made the arrest of the Negro Ben, the reason why he was arrested, why he was discharged, and by whose order the discharge was made. Resolution adopted.

On motion that the Chairman appoint a Committee of three to make the inquiry the Chair appointed George Mellus, Isaac Bluxome Jr and Stephen Payran said Committee

Resolution of Mr Watson that the likeness of all Persons under order or sentence of Banishment be taken and preserved and that a Committee of one be appointed to wait upon the artist,

Mr Watson was appointed

Reconsideration of vote passed in respect to giving Chief of Police Five hundred dollars for secret service money The order rescinded in favor of Captain of Police for "Secret service money"

[July 1, 1851]

Report of George Mellus, Isaac Bluxome J^{r} and Stephen Payran as to arrest of Negro Ben by the Police accepted and ordered to be placed on file for action

In the matter of Church, the Evidence of Francis Schultz taken

Report of William H. Jones in relation to Edward Allen ordered to be filed Report filed,

Adjourned

[Signed] S Payran

MISCELLANEOUS PAPERS

Report of Executive Committee in the Case of John Smith

In the Matter of John Smith arrested on the charge of Larceny in Stealing a Mirror we would report

That the Executive Committee have examined the said John Smith, as well as taken the Evidence of Witnesses for and against him and are fully convinced that the said John Smith is innocent and free from the charge of Larceny & is a good and useful citizen of our city, and would recommend him to the kind consideration of all good citizens, We have further awarded that if the said Glass shall be reclaimed by its proper owner, that the Sergeant at Arms shall receive fifteen dollars for the use of said Smith:

In consideration of all things touching said J Smith, your Committee honorably discharged the Prisoner with a recommendation to continue to do well

[Signed]	George M. Garwood	[Signed]	George Mellus
“	Isaac Bluxome Jr	“	G. E. Schenck
“	Geo J Oakes	“	James F. Curtis
“	W. L. Bromley	“	E. Gorham
“	J. F. Spence	“	C. H. Brinley
“	Stephen Payran	“	Jas. C. Ward
“	S Brannan	“	C. H. Brinley
“	R. S. Watson		

John Smith's Statement

John Smith, Ex^{d} in relation to a Mirror I took the mirror out of a House between Long Wharf & Washington Street on

Montgomery Street, near Annan & Lord's—I took it up to the corner of Montg & Pacific Sts. I left it until next day. I then took it up to my own house in Pleasant Valley—I kept it there until I left it and then placed in it Robert Colin's House. I resided there as a Boarder,—I called on Montgomery Street near where I took the Glass and inquired for the owner (an owner) I spoke to Mr Weston about it, I took the glass on the 4th May Fire, I never advertized the Glass, I did not advertize it because I had no money at the time, I never said that I intended to appropriate the Glass to my own use in case I could not find an owner.

I have lived in San Francisco nearly two years, I am a native of England. I have never made a declaration of Intention to become a citizen of the U. I came from Liverpool to California, I have always been employed at labor. I have worked for Capt Folsom also Mr Miggs also Mr Monroe—

[Signed] John Smith

Edward A Lambert & E D Whiston's Testimony in the Case of John Smith

Edward A Lambert live at lower end of Pleasant Valley—I know nothing of the looking glass except from hear say—

E D Whiston—I know John Smith he came into my store one evening and stated that he had a looking glass and if I heard any one enquiring for one let me know or tell them where I am —as I am anxious that the owner should have it—If no owner should come I might as well have it as any one else

[Signed] E D Whiston

San Francisco June 30 1851

Elijah Swift. Testimony in the Case of John Smith

Elijah Swift— Mr Munson told me on Saturday night that a mirror was secreted at a house on the top of the hill near Howard & Fremont sts About 8 or 9 o'c Mr Beese & self went into the house and after looking around discovered the glass under a matress I called the attention of the family to it &

they told me Mr Smith brought it there on monday after the fire of the 4 of May—After keeping it in the small house for some little time he moved it to the house where we found it—

[Signed] Elijah Swift

[*Ben's Case*] *Statement of H. P. Jones*

H. P. Jones— To be found at Cobb & Cos—On the Corner of Merchant St & Kearny I saw D C Broderick & Marshall Crozier who were holding a conversation—Mr B said—We must tell the boys not to act the d—d fool as the plot or plan may be suspected—some other conversation occured which I did not hear —the last conversation was—Mr C said—he is a d—d fool & he should not have been trusted—My impression was that these were concocting some plan to the injury of the Committee of V and the public good—This conversation took place on Monday morning June 30, 1851 On Sunday previous Mr Jones had a conversation with Mr Crozier—in which Mr C stated that there were many d—d rascals among the V Committee—and that it was the duty of the Police to rescue prisoners from the V Committee—

San Francisco July 1, 1851

[Signed] H. P. Jones.

Report of Committee in relation to arrest of Negro Ben &c

We the undersigned having in accordance with the following resolution of the executive committee of the "Committee of Vigelance been appointed to act—"That it is expedient to get official information as to the name of the officer who made the arrest of the Negro Ben the reason why he was arrested why and by whom he was discharged—Do report as follows

Having called upon Marshall Crozier and having been received by him with due respect and Courtesy enquired as above as to the arrest and discharge of said negro. He answered that said negro was arrested only on suspicion of his being an evidence against the party who was suspected of having set fire to the city on June 22nd 1851—but failing to obtain from him any tangible information he was discharged informally and as he was arrested for no crime that they had no authority to hold him

Arrested by Capt Harding } [Signed] Geo. Mellus—Chairman
discharged by Capt Harding } " Stephen Payran
pr order of Marshall Crozier } " Isaac Bluxome Jr

[Endorsed:] Accepted and ordered on file for action July 1st 1851

Francis Schultz. Testimony in Case of Church

Francis Schultz.— I have known Church for about 1 year have seen him almost daily at my store—I never have known of his committing any bad act during his residence in Sonoma—or only excepting when drunk which has been only 3 or 4 times —about 4 mos ago he was drunk—commenced to row with soldiers broke his gun & when Sergt tried to arrest him fired a pistol at him—before he was tried he made his escape & was retaken. After that he was tried at Benicia sent to Sonoma

He was then put in irons & set to work—It is my impression that there is a hard feeling against him among the officers

[Signed] F Schultz

Report of Committee in the Case of George Hopkins

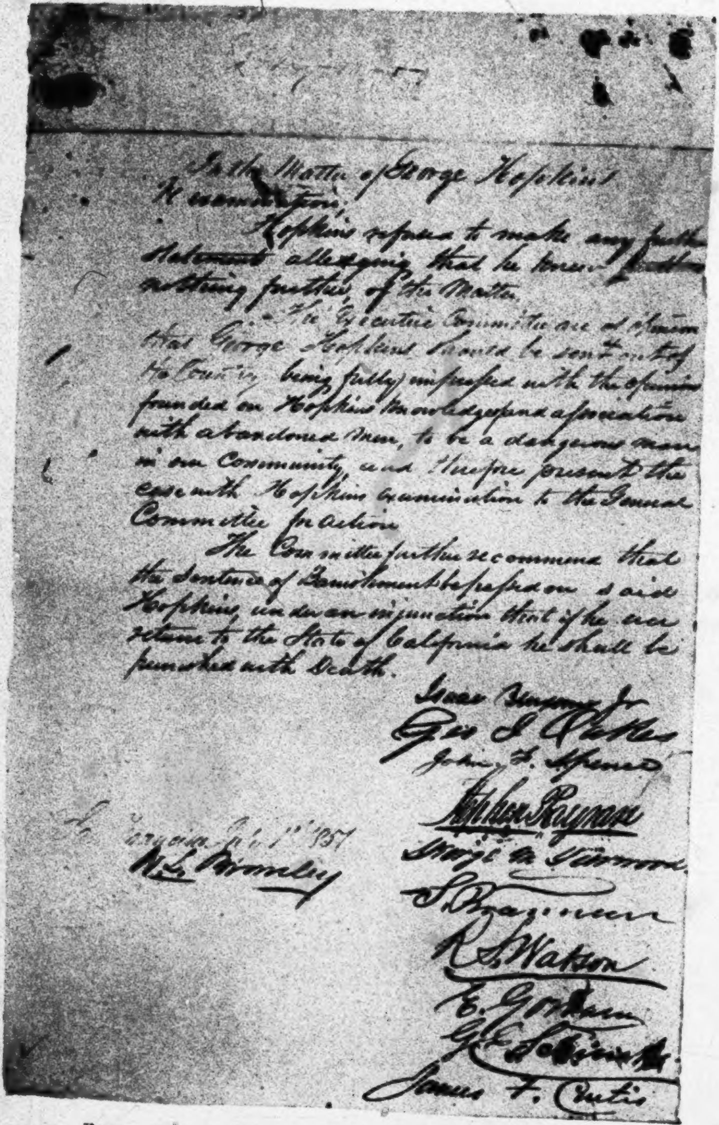
In the Matter of George Hopkins Re examination;

Hopkins refused to make any further statements alleging that he knew nothing further, of the matter,

The Executive Committee are of opinion that George Hopkins should be sent out of the Country being fully impressed with the opinion founded on Hopkins knowledge of and association with abandoned men, to be a dangerous man in our community, and therefore present the case with Hopkins examination to the General Committee for action

The Committee further recommend that the Sentence of Banishment be passed on said Hopkins, under an injunction that if he ever return to the State of California he shall be punished with Death.

San Francisco July 1st 1851



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Isaac Bluxome Jr
Geo. J. Oakes
John [illegible] Spence
Stephen Payran
George M. [illegible]
S. Brainerd
R. S. Watson
E. Gorham
G. E. Schenck
James F. Curtis

[illegible] Feb 1st 1857
W. L. Bromley

FACSIMILE OF THE REPORT IN THE CASE OF GEORGE HOPKINS.
In the handwriting of Stephen Payran.

[Signed] Isaac Bluxome Jr
" Geo J Oakes
" John F. Spence
" Stephen Payran
" George M. Garwood
" S. Brannan
" R. S. Watson
" E. Gorham
" G E Schenck
" James F. Curtis
" W. L. Bromley

[Endorsed:] passed upon this July 1st 1851

Rebecca White's Statement

Rebecca White was born in Glascow Scotland was 26 years of age when I left went to London from G—w was in London 2 years went to Van Diemans Land emigrant company went to Van D Land in ship *Jane*—my husband was carpenter on board and I emigrated with him—the ship was sent by government—we had 300 passengers I had been married about 18 ms before I left London—have been married about 8 years I had one boy when I left London—the boy still lives—my present husband is the same that I had in London I have had 3 children in all my oldest child is nearly 8 years—the youngest is nearly 2 years—the government paid my passage—not one of the passengers on the vessel was a convict—Mr Hennessey and Mrs Ferguson are also emigrants—My Husband was a ship wright and I worked at needle work in V D Land—I have been in Cal about 10 months—came in the Bark *Spartan* there were 13 other females on board—The following passengers came with me in the S[hip] Mrs Hennesey & husband—Mrs Ferguson & husband—Mrs Thomas & husband—Mrs Beck & Husband—Mrs Whitehouse & husband—Mrs Ellen Ravenhill a very bad woman—left her husband—I saw her yesterday—I paid 25£ ea for passage here—I was present when Mr Connolly died Mr Jenkins was also there I heard the Coroner said to Mrs Connolly that she behaved very bad for the widow of the deseased—and that Jenkins said to Mrs Connoly that if her conscience was clear his was—that there was a dispute between Mr Jenkins & Mr Connoly[1] in relation to the corpse and that after Mr Connoly left, Mr Jenkins threatened him for his inquisitiveness at the Coroners inquest—Jenkins was living in the same house with her at the time he was taken—Mr Searle took three men & one woman off to the *Jane Francis* the morning after Jenkins was hung—Mr Searle seemed to be acquainted with these men—A man by the name of M Dunn told me he went to the Uncle Sam on the morning after the death of Jenkins and saw Mrs Connoly she was crying on ac of death of Jenkins she always seemed friendly with him—On the afternoon previous to the death of Jenkins—Dunn was at the Uncle Sam and saw Mrs Connoly waiting upon Mr Jenkins with clothing, soap—towels & and from their intimacy supposed they were living together—Jenkins left the house in company with two men & Mrs Connoly asked him when he would return? I asked Mr Dunn the next day after Jenkins was hung if he knew who these two men were with Jenkins? his reply was—now you are too inquisitive—Mr Dunn lives in happy valley Mr D is of middle stature wears a long beard—black—black eyes—black hair—dark complexion—wears a blue flannel shirt a blue jacket velvet collar—is a great drunkard—Mr Stebrit or Stebrick[2] was cook with Mr Burns and Mrs Connoly, is an old man—grey hair, speaks french—I know he is a great scoundrel—I think he robbed Mr Henneseey—Mr Sweeney[3] lives with Mr Hennessey—I think he came to the country with Jenkins—I have seen the two together—Bob formerly a police officer is also at the house of Mr Hennessey thinks he drinks a great deal

[Signed] Rebecca White

San Francisco July 1, 1851

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[1] The dispute was, probably, between Jenkins and Burns. See statement of the latter, p. 53.

[2] Perhaps this is an effort to give the name of Stephen Britz, who was Burns' cook (Hennessey's statement, p. 48).

[3] Patrick Sweeny appeared as a witness in Hennessey's case, and was, later, tried by the Committee as a confederate of the latter in the crime of larceny. A sentence of banishment was passed, but on a reconsideration, he was discharged (p. 623).

G W Ryckman. Information relative to Criminals. July 1, 1851

Four fishermen that live near Searls on the North Beach, proposed to M^r^ Hennesy, living on the beach, to steal goods from the fire on Sunday last.—Hennesey refused so to do.—Afterwards they did steal a package of prints from Messrs White & Storms and threw into Mr Hennesy's boat. Hennesey told them that he would expose them—They went off & afterwards Hennesey restored the goods to White & Storm.—The fishermen claimed a part of the goods found in Hetherington's premises,—when Mr E. V. Joice was present.—These same fishermen stole from Hennesey a coil of rigging within a few days.

White & Storm are referred to for the principal part of the above statement—Hennesy for the balance.

[Signed] G. W. Ryckman

Report of J F Curtis. Case of Hetherington

In the Case of Prisoner Ethington effects—

I would report that his effects have been sent to Auction and were sold yesterday—the purchaser however did not pay for same—they will be again put up tomorrow & the auctioneer has orders to receive pay for same immediately on sale

[Signed] James F. Curtis

July 1st 1851

WEDNESDAY, JULY 2, 1851

MINUTES

Minutes of the Ex^e^ Committee made this July 2nd 1851

Wednesday July 2nd Executive Committee Morning Session

Present Sam^l^ Brannan in the Chair J. Ward Geo Mellus Brinley Bromley Bluxome Perrien [Payran) Spence

Took deposition of Ja^s^ Wethered concerning the arrest of Ben the negro.

Received the report of 310. Capt. Eastman [Easterby], regarding the storing of Goods at night on board of the Sch^r^ *Lydia*

[July 2, 1851]

& Ann lying opposite The Store ship *Edwin* on Front Street. Mr Geo Mellus was requested to visit the said Sch^r^ this day & report to the Executive Committee.[1]—

Being informed of the arrival in the harbor, by Capt M^c^Gowan of the Revenue Cutter, of the Barque *John Potter* from Sydney the following persons were appointed as a Committee to go on board and to report to this Committee.—Smith. Brinley. Bluxome. Raynes. Evans[2]

Received communication from the Vigilance Committee of S^t^ Clara accepted & placed on file, and reply sent—

Received statement & application of S. K. Spears in relation to David Stanton charged with steading $1,000.$^{00}/_{100}$ to be handed to the Capt^n^ of Police for action.—

Addressed a communication to the Vigilance Committee of Marysville concerning Stewart who assaulted & robbed Mr Jansen.—[3]

Received a Communication from Theodore Dall Green—to be read to the Gen^l^ Committee

Received a communication of Capt^n^ White, in person, of the Brig "*Cameo*" bound for Sydney direct, to sail on the 7th or 8th Inst. offers to take any person or persons we may wish to send out of the country and give bonds for their delivery at Sydney or Hobart Town, for the sum of One Hundred Dollars each—Address at the office of Capt^n^ Pattison, Pacific Wharf.[4]—

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[1] The *S. F. Herald*, Oct. 31, 1851, published a list of 148 vessels that were regularly used for the storage of merchandise in San Francisco harbor.

[2] An act of the legislature, passed April 11, 1850, made it a misdemeanor for the master of any vessel to bring convicts into the state. Little or no effort had been directed toward enforcing this statute, and one of the self-appointed duties of the Committee was that of boarding ships from Sydney and investigating the character of the immigrants before they should be allowed to land. Reports were submitted covering the passengers of eight different vessels, but they are not printed, as the facts given in each case are so meager, and the spelling of proper names is so doubtful, that they have little historical value. The *John Potter*, Captain Mitchell, arrived from Sydney, July 2, with thirty-seven passengers. The report of the sub-committee gave particulars concerning thirty-five of these, and recommended that one, Alexander Wright, should be deported as a convict dangerous to the community.

[3] See note 4, p. 137.

[4] See note 6, p. 307.

Statement of M^r Marsh taken in relation to Goff a Transported Felon

Adjourned

[Signed] S Payran

[Endorsed:] Communication & report of the Vigilance Committee of St^a Clara [sent] to the *Herald* office to be published & ret^d forthwith—

[Signed] J^n F. S. [Spence]

July 2^nd 1851 Filed S Payran

MISCELLANEOUS PAPERS

Evidence of Wethered in relation to affairs of Ben Robinson

July 2^nd 1851

James Wethered.—M^r Ryder requested me to go with a party to arrest a man—there were 3 altogether—we went in the neighborhood of Ohio S^t. saw a Negro we supposed to be the man & we arrested him—soon as ever we saw him arrested him, when I touched him on the shoulder after he attempted to run from us he immediately said "I did not set fire to the houses"—I suppose he came out of the prison that night, as he was near the prison which is in Ohio S^t—When I was in the S^t I rec^d information that we were to go to the neighborhood of station house on Ohio S^t & take posession of a negro who was to be released by a P. officer or officers. The officer said to him in my hearing "you may go out & get your coat but look sharp after this V. C.—if they do arrest you tell the truth"—This happened at the back yard of the Station House at the gate—Then Ben came out. At Committee Room he told the story about setting fire the woman &c.

[Signed] Jas. S. Wethered

[Endorsed:] Testimony in the Case of Negro Ben

Filed July 2^nd 1851

Communication of No 310 regarding Storing of Goods on board the Sch^r Lydia & Ann at night

The Sch^r "*Lydia & Ann*" lying on Front St. opposite the

Edwin receives goods on board every evening between 8 & 12

No 310 [A. Y. Easterby]

[Endorsed:] Filed July 2nd 1851

S. P[ayran]

[This communication is written on a sheet printed in the following form:]

COMMITTEE OF VIGILANCE

You are detailed for...duty,
from ....o'clock, to ....o'clock, ...
and will report accordingly to the Sergeant at
Arms, at the Committee Room.
San Francisco, ...1851.

Report of Capt McGowan

The Bark *John Potter* from Sydney with Passengers is in the Harbor arrived this morning

[Signed] J McGowan
Capt *Polk*

July 2.

[Addressed:]
Mr S. E. Woodworth
Present
For "Vigilance Committee"

Statement & Application of S. K. Spears in relation to David Stanton, charged with stealing $1000, July 1st 1851

Statement of Spencer K Spears resident of Winters Bar Makolmne River. July 2nd 1851

A man by the name of David Stanton who worked for me at Winters Bar, about five feet six inches in height, short stout built man, dark eyes dark hair, dark complexion, a regular down East Yankee, very quiet says but little when speaking drawls out his words,

There was a $1000 stolen on the 21st of June last, and the reason why Stanton was suspected was as follows, he came to me and said that he wanted to send some money home (I owed him some money for work) and wished that I would give him the money, and not deduct a store account I had against him for goods, I told him I would do so to accommodate him, and gave him the money about one hundred dollars—he then went over the river and wanted to borrow money, stating to the party that I owed him but would not pay, he borrowed $10 of one man, & 15 or $20 from an other, after getting the money he stated that he was going to pay it to Esquire Clark for a debt he owed him (Clark) he then goes down to Mr Coleman's Tent and took with him from 10 to 20 oz of Gold Dust, and had it amalgamated with Quicksilver and took it away as adulterated, he had no money but what I paid him & what he borrowed and he must now have from 1 to $2000 and therefore I believe that said Stanton stole the $1000—which belonged to a respectable young man by the name of Wm Hill) this man left the Bar on Monday morning last, we have been in pursuit and visited Stockton & Sacramento City, he could not have reached San Francisco in time for the Steamers of the 1st July—I think he will be here to-day

I respectfully request the Vigilence Committee to appoint some persons to accompany me in quest of said Stanton

[Signed] S K Spears

[Endorsed:] Filed July 2nd 1851 S Payran

[*Case of James Stuart*[4]]

Steven's Statement

St francisco July 2—1851

My name is William Stephens born March 3—1819 at Brighton Sussex England i was apprenticed to a tailor at

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[4] James Stuart or Stewart, alias William Stevens or Stephens, English Jim, Campbell, Carlisle and Mason, was the leading spirit among the convicts from Sydney. His most notorious crime had been the murder of a man named Moore, on October 7, 1850, at Foster's Bar on the Yuba River, for which he had once been arrested, although he escaped, before punishment could be inflicted. On the night of February 19, 1851, he took part in an assault on C. J. Jansen, in San Francisco, and for this attack the police arrested William Windred (or Wildred) and Thomas Berdue. The latter bore such a striking resemblance to Stuart, that many reliable witnesses at once identified him as the escaped murderer, and a furious crowd demanded his summary punishment. Wiser counsels restrained the mob and influenced it to form a "people's court" and give the two

Brighton for 4 years served about 3 of it when my Master Died about that time my father and Mother and 11 brothers and Sisters came to Canada and I Believe that they all have Re-

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prisoners an immediate trial, which resulted in a disagreement of the jury. They were then left in the hands of the authorities, tried by the courts, found guilty, and sentenced to fourteen years' imprisonment. Windred soon escaped, but Berdue was sent to Marysville to stand trial, under the indictment of Stuart, for the murder of Moore. This resulted in his conviction the last of June. On the second of July the Vigilance Committee arrested a man who called himself William Stephens or Stevens, and who was suspected of a petty robbery in San Francisco. Stephens gave a credible account of his movements and might have been released had not a new shirt belied the statement that he had walked from Sonora without changing his clothes. Soon after, he was recognized by his guard, John Sullivan, as the real James Stuart, and steps were immediately taken to prevent the execution of sentence against Berdue. This case was the most notable of all those that came before the Committee, and until the date of Stuart's execution, July 11, it occupied the greater part of all the meetings. His confession, made July 8, furnished a clue to the band of desperate Sydney convicts that had conducted systematic raids throughout the state, and it enabled the Committee to rid the community of his particular confederates.

The writing of the first part of Stephens' statement resembles the signatures on the "contract," p. 224, and on the orders on F. M. Pixley, p. 242. The remainder, on a second sheet, appears to be in Brannan's handwriting.

After the execution, full reports of the testimony in the case were published in the San Francisco papers, and extracts from this material, some of which is missing from the files, have been reprinted, above, under their respective dates. Stuart's preliminary statement, enlarged in subsequent examinations, appeared as follows in the supplement of the *Herald*, July 12:

"William Stevens, born in Brighton, England, raised in Montreal, aged 32, in March next, left London in 1835 for Canada in the ship *Sophia*, was sixteen years old when I left England, was apprenticed to a tailor in Brighton, and went to work at tailoring, when I arrived at Montreal; left Montreal two and a half years ago, for Chagres; arrived here in the Am. barque *J. W. Coffin*, from Panama, had ninety passengers; arrived here in November or December, 1849, went to the Southern mines, has worked the last five months at Sullivan's creek; two months on the Tuolumne, four months at Savage's camp on the Mariposa. I arrived in this city last night, and walked here via Livermore's ranch, where I have a horse and mule; they have been there this past six months; I slept last night on North Beach; a man by the name of Kitchen showed me the house; do not know the occupants; it is a private house; went to the above named place with Kitchen a little after dark, about 9 o'clock. There was only three persons in the house where I slept. There was a female in the house; her name I decline mentioning. The man I do not know. Went to bed about ten o'clock, and did not go out during the night, and got up this morning soon after day light, near about five o'clock, went over to the Mission; arrived at the Mission about 6 o'clock, remained there at least till ten o'clock; left the Mission and took the road over the hills; thinking it was the nearest road, saw two men with only one bundle; was questioned by four men whether I had seen any parties carrying a trunk; told them I saw two men with a bundle; they told me there had been a mained there ever since i left home about two years and a half ago bound to California i came to Chagwass [Chagres] and crossed the Ithmus and then took a Passage to St francisco in the American barque *J W Coffin* Captains name Mr Moreton Super Cargo Mr Jones and Mate Mr Seley with a cargo and about 90 Passengers we Arrived here about November 1849 and i have Been to work almost ever since.

Wilsons Brothers Cutting Wood on the other side of the Bay —they came from London by Panama

Knows Capt Ravenner Mr Og[d]en Mr Kitchen Stopped in a private house on north beach but does not know who keeps it.

Met Kitchen last knight when he came in town and he went over to north beach with me—Kitchen told me to stop at that house—Left the house this morning at daylight—Started with no clothes only what I have on—bought a pair of shoes at San Jose and I believe that was all that I bought after leaving Sonora.

[Endorsed:] Bought a pair of shoes at San Jose on Friday morning—from S. F. Dined here Tuesday night, generally

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house robbed and pointed the house out to me; I know nothing farther of the charge of robbery or of any person connected with it. I have known James Kitchen since last November, he is a boatman; an Englishman by birth, and sailor by profession. Knows not what port Kitchen sailed from, or how long he has been in the country. I know, nor have I heard any thing detrimental to the character of Kitchen; has learnt that Kitchen has a wife and family in New York. Knows Capt. Henry Ravenon brought a vessel here from Panama, the vessels name I do not know. There are two brothers by the name of Wilson, cutting wood on the other side of the bay, Canadians, Dr. Ramsey, a Scotchman, and also Gen'l Quitman, who I worked longside of in the mines.

Wm. Stevens.—I have told you Kitchen lives on the hill near the North Beach. I refuse to tell the name of the woman with whom I stayed. Kitchen showed me the house; Kitchen was here on Tuesday night, 1st July. I saw him at the El Dorado; I knew where he lived, but looked for him there; I went from the El Dorado to the Bella Union, from thence to North Beach; he then showed me the house; I have known the woman before- I had 6 or 7 dollars with me; I don't know Mr. Pixley, a lawyer; I left the woman soon after day-light next morning, and went to the Mission; I have a cousin there named John Stevens; he is working at a baker's; he has been in the country about 16 months; has been at the Mission two months; Kitchen told me my brother was living at the Mission; I left the Mission same morning at about ten o'clock; I got there by 6; about 11 o'clock was taken; I consider it as near again to come over the hill as to keep the plank road. I have travelled same road often before; I came back from the Mission alone."

walk from 20 to 30 miles when travelling, San Jose is about 60 miles.

Paul Carothers. Statement in relation to Kitchen

Paul Carrothers—Boards with Robt Sutton on north beach last house on Dupont St, Mr. Kitchen went to the mines with me three weeks ago, and I left him at Longs Bar 19 miles from Marysvill last Monday morning—he is a printer and waiting to receive a letter from a friend of his at Sacramento—I was to see his friend (Harrison) and have him write to Mr Kitchen and let him know whether he could get imployment—Mr Sutton went to the mines with us:

Kitchen and Sutton came from Sidney in the *Alert* about one month ago Paul Carrothers came in the *Reaper* 12 months ago

San Francisco July 2nd

[Signed] Paul Carrothers

[*Statements in relation to Stuart, alias Stevens*]

[From the Supplement of the *S. F. Herald*, July 12, 1851]

James Adair.—I have a small house on the top of the hill near Col. Stevenson's, at the head of California street; a man at a wood-pile came and told me that my house was broken open—that he would get in the bushes and look out for the burglar, as he had not finished his work, and requested me to get others and come also—I did so; while looking through the bushes we met a man on no road, that said he was coming a direct way from the Mission; the road he chose being sandy and hilly, I thought the reason was a bad one; I thought it would be well enough to follow him and watch his movements; after passing a little over the summit of the hill, he stood and looked for a few moments down on the city, and then hurried in another direction; I called to a few carpenters who were at work on the hill, and we followed and called to him, he turned and came toward us; I mentioned the suspicious circumstances to him, and requested that he should come down and give an account of himself to the Vigilance Committee—to this he assented and came; a trunk with clothes worth $40, and $40 in money, had been taken from my house, which has not been found as yet; this man was taken about half of a mile from the house; the house the trunk was stolen from was locked; I don't know the precise time the trunk was taken.

Cross-examination by Wm. Stevens.—Prisoner was from a quarter to half of a mile from the house when taken; a gentleman stated that the man had a beard and hat on like Stevens, but had on light pants and boots over, and a light coat or shirt sleeves; my impression was that this man Stevens had changed his clothes; my reason for thinking that the man Stevens had changed his clothes, was, that the coat and pants looked as if they had not been out of some trunk or bag but a few moments, as they were much wrinkled and the shoes were not dusted; Stevens stated that he had worn the clothes since he left Sonora.

Wesley Diggins. *Sworn.*—I left the house on the hill at the head of California stret, about 9 o'clock this morning; I locked the door and left my trunk with very little money in it, and about 11 or 12 I went back and found the door broken open; the door was opened with a piece of iron; I saw my trunk was taken away and a chest dragged to the door; the trunk had about $40 in it and two broadcloth coats; it was a China trunk bound with brass, painted blue; a pocket book with notes and other papers, also duplicate bills of exchange drawn by Burgoyne & Co., in favor of Eliza Diggins, one for $600, one for $620, also a small carpet bag, contents removed; I placed my trunk key in a vest hanging in the house; the key I found was taken, but the vest was still hanging where I left it; I then ran down to my wood yard and called to the men there to go with him and look through the bushes for the burglar; I immediately started for the places where I thought most likely for the things to be concealed; after going through the valleys and hills, I met Stevens and thought that he looked suspicious and asked him where he came from; he replied, from the Mission; what excited my suspicion was that his breath was rather short; I asked him if he had seen any one in his travels; he replied that he had seen two or three; I asked him if they had any thing with them; he answered that one had a handkerchief with something in it; we had several men out, and I stated to Mr. Adair that he had better see where Stevens went and I would go on, which I did, for one mile or more; saw no one and hunted thoroughly; found no trunk; I don't think he has any of my clothes on.

John B. Brady.—I think I saw Stevens this morning on Powell street, near California, about 11, or half past. I would swear to it, if he had on white pants and light coat or shirt sleeves; my reason for looking at him so particularly was, he looked so much like Stuart; I feel satisfied and will swear that this is the man I saw on the hill. When I saw him he was within two feet of the house that was broken open; I know the house that was opened; some thought he was coming from the plank road on Mission street; when I first saw him it was about one hour before I heard the house was broken open.

Cross-examined by Stevens.—My house was about one hundred feet from the house broken open; I first stated that is not the man; I said he had on light pants and boots, outside and light coat or shirt.

Direct examination resumed.—I said that is not the man, because I thought he might go more quietly if I should say so. I will swear this is the man, no matter how he is dressed; I never saw this man before to-day; I should say he was skulking along.

Tappan C. Kilburn.—I am repairing a house a short distance from the house broken open, about 150 feet; I was going up to the house with some cooking utensils for Mr. Perry, and I met the man who lost the trunk; he told me he had been robbed, and I went in the bushes to search for the men or clothing; there was another man with me, who first saw this man, and he called me to him and told me to go and speak to Stephens, the prisoner; I called to him to stop, and he turned and stood still until I came to him, when I came up to him and asked what he was doing here; he looked frightened and confused, but said he was coming from the Mission. I remarked to him that this was a d—d pretty way to come from the Mission. He told me several different stories, and I thought it suspicious. He stated he lived on North Beach, but could not tell where, or who with, but said they were friends of his. I found some stockings similar in color to those he has now on in the bushes near where Stevens was taken. I heard some shrill whistle in the bushes this afternoon, about 3 o'clock, never heard them before.

John B. Brady.—The trunk painted blue, bound with brass, I found about half past 9 o'clock this morning in some thick bushes; I should think in the square bounded by Stockton, Powell, California and Pine streets; the square is not laid off, and cannot state positively.

Letter of S Brannan. Copy
To the Vigilance Com^t of Marysville. July 2, 1851

San Francisco July 2nd 1851

To the Vigilence Committee of Marysvill

Gentlemen Our Committee are very desireous to receive the person of Stewart—the Assasin of Janson of this City—If you can render us any assistence, by securing him there, we'll send a committee up to receive him, the bearer of this Capt Hartford Joy is a member of our Committee—and can be trusted in any matters you may communicate

Yours very respectfully
[Signed] S. Brannan Pres.

[Endorsed:] Filed July

M^r Dalgreen [Dahlgrén], Letter

Sanfran^o. 30 June 1851

To the Committee of Vigilance of San Francisco

Gentlemen You seem to think it as corroborative of guilt, that I have kept myself out of your way—Now, the only reason I have for so doing, is simply that I do not stand fairly placed before you—were I, I would never have retreated an inch, but I know what probably most of you do not, that I have among your number, enemies, who entertain towards me the most deep malignant hatred & who [are] afraid, openly & manfully to avow it, take covert & unfair means to injure & persecute me—if such is not the case, why am I before I have a hearing stigmatized as having been *"for the last ten years a "notorious thief and swindler"?* Can I, could *any man* be reasonably expected to appear voluntarily before you, with a verdict ready to be hurled at

[July 2, 1851]

him?—I ask you as men of consideration & as I am firmly convinced, most of you, men of high & honorable feelings, who would scorn to harbor unmanly or unworthy prejudices where the life & happiness of a fellow being was at stake—I ask you, would *any of you* do it?—this alone is, & has from the first been, my motive for avoiding you—personal fear I never yet knew—& I accordingly resolved in my own mind that, prejudged as I *know myself* to be by many of your body, I would sell my life dearly—a dread of shedding blood will ever, while I live, cause me to avoid any course that could superinduce it, and make me willingly submit to any hardships, any disgrace, rather than die with my hands imbued in blood,—tho' as in duty bound to protect my own, I might be forced to—

One of your number *Mr King* is my enemy, because I saved the money & books of Rising Caselli & Co at the fire of 5th of May, at the risk of my life, & afterwards when insulted by an offer of *$12* for my services therefor, when I had neither *asked* nor *wished* for any pay, and the following day was in a cowardly manner assaulted by him,—I published an account of the whole transaction in the *Alta California*,[5] over my name—hence *his* enmity.

What Mr *Reynolds* may have for cause of reasonable ill will against me, I cannot conjecture—certain it is that I have never injured him, nor even knew him to address [me], till within a few weeks—the reason of the bitter animosity he has shown toward me, I cannot imagine.

Capt. Wakeman I have always thought to be my friend, & yet do not think him my enemy tho' I fear he is prejudiced against me—I have ever felt warm friendship for him, so much so that he will probably, remember that some years ago, when a cripple on two crutches in Neworleans, I one morning gave him the last dollar out of my pocket,—not knowing where I should get the next from—I would not ask him to defend or shield me when wrong, but I would ask him as a *sailor & a man*, that he should be frank & not profess friendship for a man & extend his hand, as he did to me after having searched my baggage on Thursday last, when his *heart* was not with me—

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[5] See *Alta California*, May 11, 1851.

Mr Reynolds also, at the same time and place, while apparently performing a "very unpleasant duty," told two gentlemen who were there, that I was a notorious scoundrel &c As the boat left the vessels side I repeated the question if the examination had been satisfactory, and was answered yes, & that I was free to leave—and yet some hours after when I had come ashore to see a friend, I overheard the same Mr R, stigmatizing me as "a dammed villain" that I had clothes enough for six men, and "that I could not get out of the harbor! this took place about 10 o'clock on Thursday night at the entrance door of Meigg's building Corner of Jackson & Montgomery Sts—& if these gentlemen to whom it was addressed, are applied to, they cannot deny it—Now let me ask, why this dissimulation, this rancour of feeling—if I were really a "villain" why shake my hand a few hours before—this Italian mode of dealing is certainly very *un-American*—unfair

After hearing this, I returned to my friend & related the circumstances—he advised me not to heed it—I left him & on my road to the water side, called on a prominent gentleman & related the affair—he advised me to go to the Committee & promised to consult with a friend of mine in the morning—I accordingly went down & stood for some 20 minutes in front of the Comm^t Room door & having seen Mr Tennent enter, thought it best to wait until the following morning, as I fully expected he would do me the common justice to explain the matter of the Sextants so that it should not appear to my disadvantage—I went to the Wharf, but no where could find a boat that would take me off, so that I was forced to remain on shore & that within a very short distance of you where I have been ever since

Now, Gentlemen, I hope you are satisfied with my reasons for leaving the vessel—on learning the state of feeling against me the next day, I knew that my baggage would be detained by you & I determined to await till such a time as I might safely appear before you—

The matter of the Sextants I explained to Mayor Brenham, in writing next day, & desired him to hand the letter to you—

To conclude, I would only say that if the borrowing of money, with the honorable intention of refund it when able, & to enable me to enter some kind of business on shore,—if the having been engaged in some legitimate transactions which resulted disadvantageously & so brought on me the undeserved imputation of wrong—if the having been unknowingly made the dupe & parrying[?] point for several in the community to further unfair schemes by,—the result of an impulsive & at best, very imperfect judgment—if in one word, the very *great crime of failure* (as it is undeniably held to be) in all & every attempt that I have made to earn an honorable living—(*why,* I know not—if the utterance of inconsiderate unintentionally harmful, or what I considered justly deserved censurable, language concerning others,—if these constitute me a "villain" *then am I one*—To say that I have not erred, would be untrue, and I have yet to see the man who has *not*—but that I have ever wronged any individual in this community, knowingly & willingly—that I have ever robbed any one —that I have ever taken one article at a fire, or attended one but with a sole view of aiding the unfortunate—& that I have been a much injured & opposed man—unfortunate, unsuccessful in everything I have undertaken here on shore—I feel & know to be as true as that I believe there lives a God—as for malice or revengeful feeling, a particle of either never entered my bosom—What I have said concerning members of your Committee, I have said purely in self defence—a step that certainly could be taken justly when life & character are at stake—I am here to say that I have no motive or feelings of revenge to gratify against either of those gentleman, nor have I ever nor will I ever revenge myself against any who may have wronged me—and I assure you they are many—Though a "villain of the deepest dye," I can yet forgive, tho' I may not forget, injuries—& leave to each one's lone hour of death, to *revenge* me—Every man's reckoning is with that something within which, unheeded will visit, with the tortures of the damned, *perhaps the living,* but *most certainly* the *dying hour*—and for aught I know, *the future*—

I wish to appeal, Gentlemen, to the quiet of your own bosoms, —to the *real man* not to the, worldly external of the members of the Committee (for we *all* are truly but actors)—& ask you, were our respective positions reversed, would *you* not ask and expect *me* to look charitably & kindly on *your* imperfections of judgment & character—Would you not wish the same for your Father, brother child?—why then wish to crush *me?* I have expressed my readiness to trust my cause to you, provided personal enmity may not weigh against me—on Sunday when I arrested Capt. Harris, I merely rushed in when the two gentlemen who first took him & were on their way down with him to your room (& who I therefore supposed to belong to your body) were overpowered & borne to the earth & twice during our progress thither were loaded revolvers pointed at me[6]—do you think I took his watch? how could I have done so, when during the whole time that I was with him, I was in advance of him, dragging alone by my left hand with his right, I being on his right side & my right arm constantly engaged in pushing & striking at the mob who attempted his rescue? In all that I did to him, I was influenced by *but one* motive—to save his life & place him in your hands for judgment—If I be such a "deep-dyed & adroit villain" is it reasonable to think that I would risk my life in a crowd like that for a paltry watch?—or if I had have taken it, would I not rather, after having done so, left the crowd & the man before reaching your room? but instead of doing so, I take him up stairs & express a wish to remain to give my evidence! does this look like a "thief—a finished thief"

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[6] There were several acts of brutal violence during the fire of June 22. Two men were beaten to death, one for looting, and one on a false suspicion of incendiarism. Captain Isaac Harris, master of the British bark *Timandra*, was attacked by a mob that accused him of trying to spread the blaze, and was in great danger of severe injury, when members of the Committee placed him under arrest and carried him to headquarters, not without a hard struggle with the crowd that wanted to hang him immediately. His clothing was torn off, valuables lost, and bruises inflicted before the rescue was accomplished. He was kept at the rooms over night, provided with necessary clothing, and escorted safely to his vessel on the next day. His relations with the Committee must have been friendly, for he signed the roll of members as number 468, but he subsequently assumed a hostile attitude, and claimed damages for two watches lost in the melée. The Committee was able to restore one of these, but the second was not recovered (see his letter, p. 279, and Minutes, p. 280). His experience in San Francisco, recounted with great bitterness, was published in the *Sydney Morning Herald*, September 1 and November 8, 1851.

[July 2, 1851]

As for leaving so abruptly, I will explain—On the 15th of May last, with $200 that a firm loaned me on my note, I left on the Steamer *Northerner* with the intention of going home—at San Diego, I thought better of it & under the impression that I could join the pilots of that port, I debarked—there I remained two weeks, until the British Steamer *Conside* put in in distress—finding that the pilotage of the place would hardly afford a living to two, I took hold of that vessel, the Captain having died, & finally brought her up here—for my services I received $100 & $126 in addition for personal expenses while engaged in procuring a bottomry on her to enable her to get here—

On Tuesday last I chanced to be in the "Steam Boat Hotel" when Capt. Ellis came up & spoke to me,—I did not recognize him, having seen him but once last winter at Honolulu when I gave him a chart of the Marquesas Islands—He said he had charge of the Bark *Callao* & on my representing my situation, he offered me a passage with him hence to an Island in the South Pacific, named Raiaten whereon I resided a year or more, some 8 years ago—I gladly accepted his offer afterwards saw the owner Mr Coombs, whom I first saw in Callao, in 1842 who consented that I should go—& I acted accordingly—Since seeing either Ellis or Coombs, I have heard that they were men of bad character—this I knew nothing of previously & probably my going in that vessel excited your suspicions still more—it very naturally would—Ellis I never saw but once before in my life & knew neither good nor bad of him—Coombs I met as a brother Mason & was bound to respect him till I found him unworthy—I knew him to be a well known man, probably better known than any other one man in the Pacific—but that I ever heard anything unfavorable to either him or Ellis, until since their departure, I most solemnly declare to be the fact—had I, I would not have gone with them—

Now Gentlemen, I have given you a full & correct account of everything & I leave the matter to your consideration, admitting as I have said(that I may have done *some* wrong, & much else probably susceptible of being construed into wrong—for all of which I merely ask the same charitable reception, as any of you would in, a like position, expect for yourselves—You are at perfect liberty to appoint one of your Number, who may know either of my brothers, or I care not who it be, so long as some delicacy may be shown towards private matters wholly unconnected with the world at large—& if you can there find aught to condemn me, be it so—

Every article of clothing & *every individual article, however small in my trunks, I can account to you satisfactorily for*—

My wish is the same as it has been, to leave this country, for ever—my own native land I never wish to, nor will I, revisit.—I am either a crazy or heartbroken man—perhaps a fool—I care not which—but Gentlemen, *no "villain"*—erring I may be but it is error of the *head,* not the *heart*—as you deal by me, so may a higher Power deal with you—

I have refused the aid of all friendly, or Masonic interposition & in answer to aid & advice proffered, have made but one reply, that I stand or fall alone, wishing to implicate no one, if I be a guilty man & if not, trusting to Time and honest heads & charitable hearts to bid me go my road in peace—A line inserted in the *Alta California* will reach me—

I remain Gentleman
Yr obt. sert.
[Signed] Theo Dahlgrén

I ask in justice to me—two things—one is that *Jno M^cCracken Esq* of the firm of Brooks & M^cCracken, be permitted to be present at the reading of this to confirm what I have said respecting some difficulties of mine here, that he is cognizant of, & also to state what he knows concerning me—also *Dr. Hastings*—neither of them brother Masons of mine, but simply because they know much of me since here—

the other is, that my property may not be abused, nor disposed of—it is my right & lawful property which even a *convicted felon* may claim—

The Committee need have no fear of my leaving—I never will do so, without my property & that is in their hands—

It is proper for me to say that neither of the gentlemen I have mentioned know of this communication nor of my intention to use their names & I trust it may not prove offensive to them my having done so—It is made in utter ignorance of their present sentiments towards me & without my having seen either of them.—

[Endorsed:] Filed July 2/51

T McCahill. Intro Capt White, Master Brig "Cameo"—July 2. 1851

San Francisco July 2d/51

Gentlemen of the Ex. Committee

The bearer is Capt. White of the American Brig "*Cameo*" who will leave this port for "Hobertown" on the 7 inst, without fail. My object in introducing the Capt, to you is that you may be able to make arrangements with him in relation to transporting those "Convicts" in charge of the "Committee of Vigilance"

Very Respectfully your
obdt, Sevt,
[Signed] T. McCahill

[Addressed:]
To The Ex. Committee
Present,

Goff or Gough.[7] *Evidence of Mr Marsh*

July 2n

Chas Marsh. Goff in happy valley was transported to New South Wales & assigned to Judge Forbes—he had conducted himself so well that the Judge had allowed him to keep a little grocery shop for his own ac[count] working for the Judge also—While he kept the shop there was a person named Foss a druggist & wholesale grocer—Goff and the Porter at Foss's were connected to gether—Goff began to sell goods cheap & did a large trade. Sold cheaper than Foss could. It was discovered that the man

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[7] John Goff or Gough, a Sydney convict, was a friend of Thomas Berdue, who so closely resembled Stuart. Goff was arrested by the Committee, tried, and ordered to leave the state by July 12, but his time was extended, owing to the illness of his wife, and he finally promised to leave on his own vessel, the *Veto*, by August 14. In a letter dated July 8, Marsh claimed that threats against his life were made because of this evidence (p. 218). See also Goff's statement, p. 183.

Goff obtained his goods thro' the Porter Goff was arrested—tried and I think was transported again to Norfold Island I think—before he had been there long he thro' interest was bro^t—back to work with Prisoners on New Jail—He worked his 7 years out & then went to Windsor—from there came here—he is a bad character keeps Panama Restaurant, his name is spelt properly Gough—

Your office in Sydney was governor's House & Land Steward—I had 50 or 60 convicts under me & 5 or 6000 acres of land to take care of—

[Signed] Cha^s Marsh

[Endorsed:] Filed July 2/51

Ordered July 5th 1851, that notice be given Gough to appear this day at 8 OClock P. M. for examination

Scott's Receipt for Monies & Effects. July 2 1851[8]

Received of Executive Committee the sum of Two Hundred seven dollars 75/100 in money and two watches, keys &c being the whole amount belonging to me in the hands of said Committee

July 2nd 1851

[Signed] Thomas Scott

[Endorsed:] Filed July 2nd 1851

Thomas Scott To Bela Dexter. $10 July 2^{d} 1851

The Executive Committee

Will please pay M^r Dexter Ten dollars, this Sum being Expended for my use in obtaining my effects & for my use.

[Signed] Thomas Scott

San Francisco July 1, 1851—

Witness Lloyd Minturn

[Endorsed:] Sergeant at Arms will attend to this matter July 2/51

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[8] The *Alta Californa*, July 3, reported that "Scott, Burns, Hopkins, and Hetherington . . . were yesterday escorted into the harbor and placed on board a gallant ship bound to the sunny isles from whence they came." The *Crescent City* cleared for Launceston on that date.

[July 2, 1851]

Hetherington Receipt of Monies & Passage money paid Capt Wakeman July 2nd 1851

Memo: of Property taken from the person of James Hetherington

3	ounces[*]		48.00
9	Eagles—	Moffatt	90.00
1	do	Baldwin	10.00
5	½do	Moffatt	25.00
1	½do	Liberty	5.00
2	½do	Baldwin	10.00
1	¼do		2.50
Small Silver Change			2.87
			$193.37
	Amount in Cash		$193.37

1 Gold specimen
2 knives
1 piece of lead pencil
1 Gold dust bag
1 Bunch of keys handed to Chief of police
1 Silver Watch maker "Isaac Ball" Rainhill Lancashire no. 7593
no. on case 1591

Committee Room San Francisco 20 June 1851

[Signed] J. W. Salmon
Treasurer

Received July 2nd 1851 of the Executive Committee all the Goods monies &c named in this statement also Fifteen dollars received of Mr Meiggs by Capt Wakeman

[Signed] James Hetherington

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[*] There was no government mint in California at this time, and gold dust had a current value of $16 per ounce. From 1849 to 1855, private companies struck gold coins of various denominations, which were commonly called by the name of the firm issuing them. The most important of these mints was that of Moffatt and Co., and although Baldwin and Co. struck a very large number of coins in 1850 and '51, their output was discredited by official tests that revealed an habitual shortness of weight (see E. H. Adams, *Private Gold Coinage of California*, Brooklyn, 1913.)

[July 2, 1851]

Received of M^r Curtis appointed by the Ex^e Committee to dispose of my Effects the sum of forty one dollars 40/100 nett proceeds

[Signed] James Hetherington

[Endorsed:] Filed July 2 1851

[*Resignation of John Buckler, Jr*]

Committee Vigilance

Gentlemen I hereby tender my resignation as a member of your honorable body, feeling that my health, will not permit me to carry out duties imposed upon a member of your Committee, & wishing you every success in your praiseworthy undertaking,

I am Gentlemen

Your Obt Sevt.

Jno. Buckler Jr

San Francisco July 2^nd 1851

[Addressed:]

Gentlemen of the Executive Committee

Capt Pattison's Statement. July 2/51

Capt^n Robert Lorn [?] Pattison Whittaker[10] lived at [. . .] in Pacific Street. was burnt down opposite Gold Street—O'Neil both convicts—King is a convict—is a card player—fighting man—M^rs Conolly was in my house enquiring for passage to Sydney along with Burn's family.—

[Endorsed:] Filed July 2^nd 1851

[*Report of the Vigilance Committee of Santa Clara*]

Executive Committee Take much pleasure in presenting the annexed document [11] from Santa Clara and respectfully suggest

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[10] Samuel Whittaker was one of the leaders of the Stuart gang (see Stuart's confession, note 24, p. 232).

[11] The *S. F. Herald*, July 3, published the letter to which reference is made above, and commented upon it as follows: "We trust the example will be followed by the citizens of all towns of the interior, and that we may have an organization existing throughout the entire state so powerful as to produce the most complete efficiency in the punishment of criminals. . . . At a subsequent meeting held on Thursday last, the Committee adopted a constitution and by laws, and took measures towards a thorough organization. We learn that not a single citizen has yet refused to join."

[July 2, 1851]

that a vote of thanks be presented to the Committee of Vigilence of Santa Clara

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman
Sec. pro-tem

[The following document is missing from the files of the Committee, and has been reprinted from Bancroft's *Popular Tribunals*, I, 474.]

At a meeting of the citizens of Santa Clara, held pursuant to public notice, Mr. Joel Clayton was called to the chair, and Mr. R. Bucknor appointed secretary. Mr. Pierson addressed the meeting, and stated the object to be to take measures to act in concert with and approve the proceedings of the Vigilance Committee of the citizens of San Francisco, and offered the following resolutions, which were unanimously adopted:

RESOLVED, that we deeply sympathize with the citizens of San Francisco in their losses sustained by the late fires; That as we believe the late disastrous fires to have been the work of a regular band of thieves and incendiaries too fiendish and dangerous to be suffered to prowl about San Francisco; That as we believe our interests are identified with the sustaining of that city, we will heartily second and assist the citizens to detect, bring to justice, and punish the scoundrels that infest that city; That we consider the hanging of the notorious burglar and thief Jenkins entirely justifiable, and in our opinion it is the shortest and only way to save the lives and property of citizens; that we hereby call upon the Vigilance Committee of San Francisco to transmit to the Vigilance Committee of this place descriptions of suspected desperadoes whenever they shall hereafter leave that vicinity; That we call upon the press of San Francisco to publish these resolutions, and assure their citizens that if a vigorous effort should be made to free themselves from the pest we will come to their assistance *en masse* if necessary.

Mr. Gates then moved that those present form themselves into a Vigilance Committee, which motion was unanimously adopted, and the chairman, Mr. Clayton, elected president of such committee, and Mr. Gates secretary. On motion of Mr. Gates a committee of five, consisting of Mr. Pierson, Captain Rush, Mr. Buckner, Colonel Davis, and Mr. Buffum, were appointed to draft resolutions and rules to govern the action of the Vigilance Committee; whereupon the meeting adjourned to Thursday evening, the 26th inst.

Joel Clayton, Chairman[12]
R. B. Buckner, Secretary,
Santa Clara, June 25, 1851.

THURSDAY, JULY 3, 1851

MINUTES

Minutes of Genl Meeting July 3, 1851

July 3^{d} 1851

Meeting called to order by Mr Brinly

G R Ward called to chair E Delessert app^{d} Secy pro tem.

Mr Brinley read the report of the Committee appointed to visit the *John Potter* from Sydney and recommended that the resolution of the last meeting be re considered.

The moti[on] upon the reconsideration was made by Mr Curtis and decided in the affirmative, after which a division was called, before the division was taken Capt Garwood amended same by motion to rescind the motion of last evening which was carried.

Motion to grant a permit to all the passengers to land except Alex^{r} Wright was carried. And said permit sent on board by a Committee (Mr Baker & Dewey) who were instructed to bring Wright to Com rooms for further examination. On motion of Mr Brinly it was made a *standing rule* of the Com that minutes of each meeting should be read at the opening of each succeeding meeting

On motion of Mr S Woodworth a special meeting was called for Saturday 5 Inst at 8 P. M. (and the form of advertisement passed upon) the object of said meeting was to take into consideration the suit instituted by [Peter Metcalf] against F Argenti & others for acts of this Committee[1]

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[12] Joel Clayton was a well-known citizen of Santa Clara County who had come to the state in 1850. *History of Contra Costa County*, Slocum & Co., publishers, S. F., 1882, p. 543.

[Signed] Eug Delessert
Secretary protem

Report of Com appointed to visit the prison was presented and motion was laid over to Saturday next. Also was presented by Mr Wethered a letter recommendatory of John Devine a passenger on *John Potter*

E. D.
Sc. pt

[Endorsed:] Report of Committee in relation to the Ship *John S. Potter*

MISCELLANEOUS PAPERS

Names of Persons present at Metcalfs house—

Chas L Brinley
Jas F Curtis
Thos McCahill
Dr H S Gates
George Mellus
West
W L Bromley
George Howard
Isaac Bluxome Jr
John C Derby
J P Blakely ex mem[2]

Andrew J McDuffie was applied to by Mr Metcalf for damages to his trunks—

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[1] The following notice is copied from the *S. F. Herald,* July 4: "Committee of Vigilance. The Members of this committee are hereby notified that a special meeting will be held at the Committee Rooms on Saturday Evening, 5th July, at 8 o'clock, as business of great importance will be submitted. A full attendance is particularly desired."

The suit of Metcalf vs. Argenti et als., which became one of the best known incidents connected with the history of the Committee of Vigilance, has been mentioned on page 79. Metcalf sued for damages on account of the search of his house for stolen property, and the Committee felt compelled to sustain the action of the members involved by assuming the cost of their defense. The first hearing, in August, resulted in a disagreement of the jury, and the case was transferred in December to San Jose, where nominal damages were awarded the plaintiff, who then brought suit on the same grounds against other members (see note 2, p. 711). This matter, so insignificant in its beginning, assumed importance as time went on, and the heavy expenses involved in the conduct of the suit were a cause of financial embarrassment of the Committee throughout the later months of its active life (see Payran's resignation, p. 700). In justification of the raid on Metcalf's house, the Committee openly claimed a right to search suspected premises without legal warrant (p. 178), and this attitude appeared to many persons as one of the most dangerous developments of the self-constituted authority assumed by the organization.

[2] J. L. Bleakley, V. C. No. 217.

[July 3, 1851]

Report of Prison Committee. July 2, 1851

Report of the Committee appointed to examine into the condition of the County Prison in compliance with the invitation of Sheriff Hayes—

The Committee beg to report that at the hour designated they repaired to the Prison where they were received by Col Hays.

They found the only part of the building sufficiently completed to be made use of, to consist of seven cells and the keepers room—

This is a part of the ground tier, being the right hand side, as per the original design—

One of these cells is twelve by fourteen feet; the other six are six by nine. The largest contains fourteen Prisoners and the others six each—There are at present *fifty one* persons confined within these *seven* cells.

There are eight additional cells on the same tier and in a line with these, which are also completed with the exception of the doors—

A wooden fence runs along in front of the cells which is the only thing that separates them from the open street

The work as far as completed seems to have been well and substantially done—According to the original Plan only about one sixth of the work has yet been executed, and but a small quantity of material is now left—

The greater part of this work has been done since Col Hays took charge of it, and principally by the Prisoners—He has expended about Forty five hundred Dollars, of which Fifteen hundred was made up by private subscription, and the balance has been advanced by himself and assistants—

The building is mortgaged to Mr Argenti for Four Thousand Dollars, and there is also a Mechanics Lien upon it for Twenty two hundred and fifty Dollars—

The *grossest fraud* seems to have been practiced in the expenditures for this building previous to its coming under the control of Col Hays—The amount laid out and charged against the building being *One hundred and thirty nine thousand, nine hundred and forty eight Dollars, and sixty three cents*—And in the opinion of your Committee there is not, leaving out the work

[July 3, 1851]

done by Col Hays, Fifteen Thousand Dollars worth of work and material to show for it[3]—

Your Committee deem it expedient that some immediate action should be taken to extend the accommodations for Prisoners as they are now evidently much too closely confined, and liable at any moment to be rendered more so by addition to their numbers—

Your Committee also deem it expedient that action should be taken in relation to the fraudulent expenditures above aluded to, as in their opinion the persons who have proven thus recreant to the trust reposed in them by the People *are guilty of a crime than which few are blacker*—

Your Committee were pleased to see the care which Sheriff Hays took of his Prisoners and the order and decorum which reigned throughout the Prison—

At their request Sheriff Hays furnished your Committee with a statement of the present condition of the Prison. with an estimate of the expense of completing it sufficiently to make it available for all present purposes which Statement is hereunto annexed.

He also furnished them with a Plan of the Prison as originally intended which Plan is respectfully submitted for your inspection and guidance—

By the statement of Sheriff Hays it will be seen that he proposes to finish the first story of the building as per the original Plan and to roof it over—He estimates the expense of doing this to be Twenty one Thousand Dollars, and solicits the aid of the Vigilance Committee in raising the money—He says that whatever money is advanced for this purpose will be refunded out of the taxes to be collected next October as an order has been issued by the "Court of Sessions"[4] setting aside a part of those taxes for the Completion of the Prison—

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[3] The report of the grand jury for April, 1851, complained expressly of the fraud and extravagance connected with this building, and stated that $146,000 had been charged to its account before the foundation was laid (*Alta California*, April 29). See also the later report on the jail, p. 347, also p. 602.

[4] The statutes of 1850 gave the Court of Sessions the supervision of county property, and the report cited above blamed this arrangement for

Should the Vigilance Committee deem it expedient to take any steps in this matter your Committee would suggest that a committee be appointed for the purpose of raising subscriptions, and whatever money is furnished for the purpose should be considered as a loan from the Vigilance Committee—

They would also respectfully suggest that the building should be carried on under the superintendence of Col Hays—

And that whatever monies are subscribed for the purpose should be deposited in some Banking House and a Committee of five appointed to attend to its disposition—The names of two at least of this Committee should be affixed to every check drawn and vouchers should be retained by them for all monies expended —This Committee should also visit the Prison at least once a week and see that the materials they pay for are *actually used*, and *that the laborers who receive pay* are *actually employed*—

If this Committee deem proper however they shall have the privilege with the concurrance of Col Hays of contracting with some responsible builder for the completion of the work according to the plan, and as proposed by Col Hays: of which work full specifications shall be made—But the contract must be made with these stipulations viz that one quarter *only* of the money shall be paid when the work is one third finished—to be decided by the Committee—One half when two thirds, and the balance when finished to the satisfaction of the Committee and of Col Hays—

If the former course is adopted Col Hays shall be allowed to send his Bills to the Committee to be paid, for workmen and materials—If the latter the Contractor shall treat with the Committee alone—

Your Committee beg that you will remember that these are but suggestions of theirs, as they were appointed simply for the purpose of examining into the present state of the Prison in compliance with an invitation of Col Hays

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much of the mismanagement and abuse of the public funds. The new judiciary act, of March 11, 1851, exempted San Francisco from the control of this court, and on April 29, the legislature passed an act to create a Board of Supervisors for the County of San Francisco, and placed in their hands the responsibility for county expenditures.

[July 3, 1851]

All of which is very respectfully submitted—

[Signed] A. Oaksmith
Chairman of Visiting Committee
to County Prison

Vigilance Committee Room. July 2nd 1851

[*Letter from Sheriff Hays*]

Sheriffs Office July 1st 1851

Sir

At the request of a number of gentlemen belonging to the Vigilent Committee I submit the following statement. Sometime in the month of May last I determined to attempt the completion of a portion of the County Jail A large amount of money had been already expended on this building and but a small portion of it had been completed I believed that a contribution of money could be had from the Citizens of San Francisco which with the labor of prisoners would place a number of cells in a condition suitable to receive inmates The subscription has been small and the amount collected less. I must however express my acknowledgments to those gentlemen who have aided me. With this small amount of money not exceeding fifteen hundred dollars together with some money which we have ourselves advanced we have completed the Keepers room and seven cells

The remainder of the cells are all finished with the exception of the doors which in all probability we will have in a few days if we can raise the means to pay for them

We have endeavoured to procure everything at the lowest possible rate and have expended all the money with an eye to strict economy

The Chain gang rendered important service and with proper management can be made to do a great deal on this building.

The members of the Vigilant Committee who have visited the prison can say with as much accuracy as I can furnish in a short statement what amount of labor has been expended and how much of materials have been bought by us. We found it necessary to buy brick, lumber, cement, to employ stone cutters stone & brick masons carpenters and a guard for the chain gang

One of the heaviest items of expences about the prison are the doors and locks I have not been able to find any one who would make a suitable door for less than fifty cents per pound

I am anxious if possible to complete the ground story of the prison according to the plan now in the possession of the committee The roof which would cover this would answer for the building when raised one or two stories higher I consider this preferable to adding another story on the tiers of cells now completed not only because it will give greater security to the prison but would afford a yard in which the prisoners could work and take exercise

To finish this building to the extent above mentioned would require for

Brick, Carting & laying	$6,800
Granite, foundation & labor	5,000
Carpenters Work & Materials	4,000
Work & labor in rough wall	2,000
14 Doors	2,240
8 do	1,280
	$21,320

My impression is that this amount of money will cover all expences and accomplish near two thirds more than had been done previous to my undertakeing the matter

You will please to observe that it will be necessary to purchase nearly all the materials inasmuch as there only remains out of all that has been purchased some granite rock & coral

The chain gang can be employed in digging the cistern the well sink &c waiting on the workmen. It is not to be denied that we stand much in need of a good & strong prison At present there is no money in the County Treasury and without the cooperation of the citizens generally this work will have to cease. It is proper that I should inform you that there is a mortgage on this Jail for about $4000.00 and a Mechanicks lien for about $2250.00. An order has been entered by the Court of Sessions setting apart a portion of the County tax for the completion of this Jail If we succeed in collecting the whole tax

I think there will be sufficient to build not only this Jail but a Court house and all necessary county offices

I trust the Vigilant Committee will come to our assistance in the prossecution of this most necessary work

I remain With respect
Your Obt Svt
[Signed] John C Hays

To Chairman of Visiting Committee of Committee of Vigilance

E. L. Christman. Sonoro

Sonora June 30th, 1851.

To the Chairman of the Vigilance Committee of San Francisco:

Sir:—At a meeting of citizens of this place, held this evening, held privately for the organization of a Vigilance committee, I was instructed as Secretary to forward to your association, and other similar associations in the State, the names of several men implicated by David Hill[5] in his confession just before he was hung. He said that the following persons were guilty of horse stealing and other crimes, namely

John Target, known as Tag— has a scar by the cut of a knife on the neck.

Bill Stanley, about 6 feet high, good figure, well proportioned, black hair and blue eyes. Speaks Spanish well, was formerly clerk for Messrs Holden & Green in Sonora.

Sam Miguel, a Mexican, with three upper front teeth knocked out, light complexion, small, about 5 feet 8 inches in height.

Jose Miguel, a Chileno, a small man—weighs about 130—wears black beard over the whole of his face.

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[5] The *Alta California*, July 3, gave particulars of the execution of "Jim Hill." He was arrested at Sonora on June 27, "taken into the keeping of the people" and carried to Campo Seco to stand immediate trial for a recent daring robbery in that little community. Convicted by a popular jury, he was condemned to death, but execution was delayed, that confederates, implicated in his confession, might be apprehended, and before the sentence could be carried out the next day, the sheriff effected a rescue and carried him back to Sonora. There "an immense crowd" succeeded in regaining possession of the prisoner, allowed him a brief interview with a clergyman, and hung him forthwith to a limb of a convenient tree. "All through the city," said an extract quoted from the *Sonora Herald*, "the rowdies, men who live sumptuously and yet do not work, men who are marked, and against some of whom there are more than suspicions of guilt, were solemn and subdued." It is to be noticed that the Vigilance Committee of Sonora was organized *after* this execution.

Ned Ward, American, about 5 ft 3 inches, light hair, large gray eye—Scar over one eye, as well as down the cheek. He is here now, and has had one trial without definite proof against him. It is supposed he may leave, and this description is given in order that he may be watched.

John Johnson, slim, nearly 6 ft in height—light freckled face, red hair,—we believe since hung on Calaveras.

Texas Jack, short, heavy set man, had a ranch last winter on Stanislaus river—said also to have been hung recently by some, but reported to night as having been seen a day or two ago in San Francisco.

John White—a small man, American, recently in difficulty at Meloues and now supposed to be not far from Camp Seco. Men are in pursuit of him.

Pitchet—keeps a ranch 6 miles below San Jose for the purpose of keeping stolen horses and receiving a share of the proceeds for his compensation.

Hill said these men had led him into crime and were guilty of horse stealing & other crimes.

On account of your proximity to San Jose, we respectfully suggest to you the propriety of immediately inquiring into the existence and character of such a ranch as Hill has described. The gang is a desperate one, and all portions of the State are interested in the complete suppression of the gang.

In case you catch the men, our citizens can probably supply you with evidence, or you can send the parties here for trial.

Very Respectfully Yours on behalf of said meeting

E. L. Christman—
Secretary.

[Endorsed:] Filed July 3 1851

Friday, July 4, 1851

MINUTES

Reports of Executive Committee for July 4th 1851, from 9 till 11 OClock & 45 min A M. Adjourned till 8 OClock P. M

A meeting of the Executive Committee convened for business on this July 4th 1851 present G M Garwood James

Ward Charles Brindley G Schenck - George Oakes S. Brannan E. Gorham W. L. Bromley James F. Curtis Isaac Bluxome Jr

Stephen Payran Chairman

Charles Brindley Secretary

Examination of Prisoner Stevens resumed, and continued until 8 OClock P. M.

Testimony of Mr Mason taken and placed on File in relation to Stephens

Testimony of Emile Younge [?[1]] in relation to Stephens placed on File

On motion of Capt Garwood it is requested of the Secretary to immediately write to the Vigilence Committee to send forward Judge Stidger Ezra Dodge, G Prescott, Recorder Washington & Thomas Jones to testify before the Vigilence Committee of San Francisco in relation to the Prisoner Stephens now in our custody, the Gentlemen who are required here testified in the case of the People vs Stuart at Marysville

In the matter of the Chinamen, and two Females, it is ordered that they be sent out of the Country at the expense of A Sing and J. Lepscom and all expenses to be paid

[Signed] C H Brinley Secy.

[Signed] Stephen Payran
Chairman

[Endorsed:] Filed July 4/51

Report & Minutes of Executive Committee of the 4th of July 1851 from 8 to 12 OClock P M

And now July 4th 1851. 8 OClock P. M. pursuant to adjournment Executive Committee met present G. L. Garwood J. F. Spence F A. Woodworth S. Brannan W. L. Bromley James F. Curtis Isaac Bluxome Jr Stephen Payran W. T. Coleman

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[1] V. C. No. 450. The name is illegible in the roll of signatures, and has been printed "Kunze" (*Papers of the San Francisco Committee of Vigilance of 1851*, I). In the published reports of the case it appeared as "Goenge," and the sergeant-at-arms of the Committee wrote it "Yonge." The signature is attached to records in the Clerk's office of San Joaquin County, and has been transcribed "Junge" in correspondence with the editor.

On motion, M^r Woodworth allowed to act as advocate for Prisoner Stephens during the examination of witnesses

Also on motion and M^r Woodworth representing himself as Consul for China he be allowed to appear for A'hone & A'lok' & the two women—

John Sullivan a witness on behalf of the People examined

Charles J. Hughes examined

George T Hunt examined

E Younge [?] Dep^ty Sheriff of Stockton Ex^d—

The testimony of Sullivan concluded

On motion of Mr Spence it is ordered that the chair detail a Guard to take Prisoner Stephens to the Mission Dolores to obtain further Evidence J. F. Spence S. Brannan James F. Curtis Isaac Bluxome J^r M^r Van Bokeylin are detailed as the Guard also A. J. Ellis

The offer of A P Sheldon esqre to subscribe $500 to maintain any suit that may be instituted against M^r Argenti accepted

M^r M^cDuffie reports No 317 [J. P. Muldoon], 264 [David Earl] and 236 [Thomas Norris] as injurious to the Committee of Vigilence & for further action [. . .]

Motion to refuse admission to No^s 317, 264, and 236 until action be had into their cases[2]

Report of M^r Woodworth accepted and Chinese Prisoners be Discharged

On motion adjourned to meet at 9 OClock A M on the 5^th July 1851

[Signed] Stephen Payran
Presd^t

R. S. Lammot's report in relation to Joseph Shaw filed July 4^th 1851

S Payran

[Endorsed:] Filed July 4^th 1851

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[2] All these names are omitted from the *Book of Names* of the sergeant-at-arms, and on the roll of members, Muldoon's name is annotated "Expelled." *Papers of the San Francisco Committee of Vigilance of 1851*, I. See also p. 572.

[July 4, 1851]

MISCELLANEOUS PAPERS

[*Statements in relation to Stuart, alias Stevens*]

[From the Supplement of the *S. F. Herald*, July 12, 1851]

George Mason. *Sworn.*—Come from North Fork of Feather river; formerly on Foster's Bar, Yuba river. I know the prisoner (Stevens;) have worked beside him at Foster's Bar. He hired men to work; was absent from Bar great part of the time. He went by the name of Jim Stuart; I was witness in Marysville in case against J. Stuart; that man at Marysville is not the James Stuart; the man they have there was arrested for murder. This man (Stevens) left Foster's Bar last October, having committed a robbery there; he escaped. He was taken up by a Frenchman for stealing clothing; he was required to give security therefor, and took out gold which was recognized as having been stolen from under a man's bed there. He escaped from there, came down to Marysville, and from thence to Sacramento City. Shortly after I went to Sacramento City, and met the prisoner in the street; I spoke to him; I asked him what he was doing there; he pretended he didn't know me; asked me are you staying here; nothing further passed. I heard nothing of him but through the papers and hearsay; it was in November I heard he was taken up in Sacramento City under the name of Campbell, for robbery. The constable, Mr. Burr, who arrested him at Foster's Bar told me this; said he was the same man he had taken at Foster Bar in October; I was called upon to identify him. This man was put on board prison brig and cut his way out; he did not bear a good character at Foster's Bar; was a good deal away; had money and gambled a good deal; he robbed a trunk of $5000, and gave it up when discovered, excepting a small amount.

Cross-examined by prisoner.—I knew you at Foster's Bar; don't remember how long, but while digging race.

Direct examination.—I am positive this is the man; he knows me well.

E. Goenge, *sworn.—In the case of Stevens, prisoner introduced, whom he recognizes.*

I was deputy sheriff in Stockton in June, July, August, September and October last. The prisoner was delivered to me by Dr. Ash, sheriff of the county. I took charge of him, and being obliged to leave for Sacramento, prisoner escaped from my vessel, the *Susanna,* on board which he was confined. Was arrested upon the charge of murder; do not recollect the name he went under at the time; can swear to prisoner's identity; can produce my books if necessary. His name is registered in my books; placed the chains upon him myself. I was deputy sheriff for nine months.

Cross-questioned by prisoner.—Can any one else identify me?

Answer.—A man the name of Schmidt knows him; stood guard over him.

Prisoner.—At what time was it that you had me in charge?

Answer.—Will produce my books. It was about the same time as the Sacramento riot that prisoner escaped. I think it was in August. I do not recollect for what murder, but can produce my book which will state. Dr. Blunt placed prisoner in my charge; was in my charge about two weeks. I know positively that this is the man; he escaped during the time of the Squatter riot in Sacramento from Stockton.

John Sullivan *sworn*—I know Wm. Stephens, prisoner; I first knew him at Slate Range; I met with Stephens half way between Slate Range and Foster's Bar, about the 20th of May, 1850; he carried part of my baggage down to Foster's Bar; he asked me if I did not wish to go to work for him next morning, I told him I would, and would work for him for $100 per month; he agreed to give it, and I went to work for him; I worked for him two weeks at Foster's Bar, I worked for him also at Winslow's Bar two weeks; I was one week sick; afterwards I worked for him at Slate Range one week; Stephens worked well when I saw him; I saw him the last three weeks of the fire: I knew the prisoner to have lots of money; I don't know where he got it; he did nothing at Foster's Bar, but did well at Winslow's Bar; Stephens was not charged with any crime during the time while I was with him; I knew this man by the name of English Jim and Jim Stuart; on the third of July he came to Slate Range to redeem a watch; he paid the money for it on the fourth; he bought a claim with me on the day he redeemed the watch for $100; worked in it on the 5th until 2 o'clock, and on the morning of the 6th he left; did not see him again until he was arrested for the robbery of about $400 of Dodge & Co., about the month of October, am not positive as to date; I was on the Bar when one or two lumps were dug up and proved to be Dodge & Co.'s; I left the Bar on that day, and have not seen him since until now.

Cross-Examined.—I did not see the lumps dug up, but the men who brought them in at Dodge & Co.'s, and said that they dug them from under the bed of prisoner; I have been in Callao; I never saw prisoner in Callao; I left Callao in Dec. 1849; I did not see him in Callao, to my knowledge; the bark *J. W. Coffin* was at Callao at the time I was there; I don't think I ever saw him until I saw him between Slate Range and Foster's Bar.

Direct resumed.—The prisoner told me that he came from Adelaide to Callao; to the best of my recollection he there shipped on board the bark *J. W. Coffin;* the Capt. discharged him; he secreted himself on board the *Coffin;* the Capt. discovered him and put him on shore at Payta; from there he went to Panama, and shipped on board the steamer *Tennessee* as a deck hand, and came to San Francisco; he told me he came to Panama in a launch; about the 8th or 10th of April 1850, the steamer *Tennessee* arrived, and the *Coffin* arrived about the last of April or the 1st day of May; I got to Foster's Bar on or about the 6th of May; prisoner was there and seemed to have been there some time; I do not think I could be mistaken in the man; he is the man I worked for and with; he is the man I saw on examination for a robbery committed on Dodge & Co.; I now recollect that prisoner told me once in the tent, that he had seen me in Callao; prisoner had three watches besides a gold watch which he went to redeem; one night he dressed himself with a large coat, fur cap, large bowie knife, a brace or one double-barrelled pistol, and went out; does not recognize the pistol and knife.

Charles Hughes, *sworn*—I know prisoner by the name of English Jim, also by the name of Jim Stuart; I have not the slightest doubt but what this is the man; I was present at Foster's Bar when prisoner was examined before Justice Stidger; this was about the month of August, but will not state positively; prisoner was in my employ some days; I had engaged him for one week but he did not fulfil his time; Mr. Hunt was with me when I engaged Mr. Jim Stuart.

Mr. Hughes states that the examination of prisoner before Justice Stidger was on the 4th October, and not in the month of August.

George F. Hunt, *sworn*—I know the prisoner by the name of English Jim, or Jim Stuart or James Stuart; I have no doubt this is the man; I was present at the time prisoner was tried before Justice Stidger, for the robbery of some $4000 or $5000 of gold dust, from Dodge & Co., at Foster's Bar; I wish to state that I was not influenced by any previous statement, but I could identify him better by his speech.

Report of Messrs Curtiss and Spence in the case of Stevens

Mr Curtiss & Mr Spence, having been requested to go to the Mission of Dolores for the purpose of finding the cousin of the man now in the custody of the Vigilance Committee & who calls himself Stephens or Stevens[3]—

They found upon enquiry at the German or Dutch Bakery, that the proprietors of said Bakery—had not employed any one to work for them for the last three weeks: that they did their own work entirely.—They further stated, that a tall fair complexioned man had called there some two or three mornings ago—they are not sure of the name he asked for, & could not say if the name was Stevens, Stephens, or Stewart or English Jim—

Went to the American Bakery, saw all concerned there.—All denied knowledge of Stevens, Stephens, or Stewart or English Jim.—they said no one had been there to look for a relative, but *that yesterday* a man called upon them, as coming from the Vigilance Committee direct, who told them; *everything we knew!!!* Finding that we were forestalled & could gain no information we concluded to return to Town

. We have now to request that the prisoner be placed tomorrow under the care of Mr. Ellis Mr Brindley, Mr Curtis & Mr Spence or any others the Executive Committee may see fit to appoint, that they proceed to the Mission & cause the prisoner to point out to them the man whom he calls his cousin—

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[3] See Stuart's statement, p. 139, footnote.

This Course may give us a clue to some of his pals, or it may prove his prior statement as false

Respectfully yours

[Signed] James F. Curtis

" J. F. Spence

[Endorsed:] Filed July 4th 1851 Accepted & placed on file

Mr Sheldon's Offer in relation to Suits &c

No 411—A P. Sheldon reports if the Genl Committee are in want of funds to maintain a suit at law in Argenti Case—he is ready to subscribe $500—

[Endorsed:] Filed July 4th 1851

[Memorandum on back of this paper:] Stephens says he was working 2 months on the S. A. Coast in an Eng. steamer—

Who do you say was the Capt of the *J. W. Coffin* You say that the Captn is here now Then ask when did you see the Captn here

Statement of Asing and Lipscom in re Alo' & Ahhone & two women

Norman Assing[4]— I know one Ahone or in China language . . .[5] I know him to be a bad man—Keeps a whore house here he takes sailors & others & drugs them in their drink and when asleep robbs them, he was known as a robber in Hong Cong—has been guilty of arson twice in Hong Cong—he also has two woman of bad repute with him known whores & reprobates and who are accessory to the fact of his stealing

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[4] Norman Assing appeared in the Recorder's Court in March, in connection with a suit involving the personal freedom of a young woman, Atoy, who feared abduction and unwilling deportation to China at his hands (*Alta California*, March 8). She won her case and was a notorious figure on the streets and in the courts of San Francisco for some time afterwards, and it is possible that Assing made another attempt to secure control of her by representing to the Vigilance Committee that she was one of the disreputable women connected with Ahone and Alo. The men of whom he complained were, evidently, taken into custody, and on the morning of July 4 it was resolved that they should be sent out of the country, but the minutes of the evening meeting show that on the application of S. E. Woodworth, the Chinese prisoners were discharged. The difficulty in rendering into English the Chinese names makes it uncertain whether one or two cases were occupying the attention of the Committee.

[5] The Chinese characters are written here.

[Signed in Chineese characters] . . .

I also know one Alo he is a partner of Ahone and of the same character

[Signed in Chinese characters] . . .

[Endorsed:] Filed July 3 1851
Order that they be taken in Custody

[*Report on the Chinese prisoners*]

Norman A'sing & John Lipscom respectable Citizens of San Francisco, native of the Celestial Kingdom, make report, as follows that there are occasionally arriving at this city persons of desperate character guilty of Arson & Robbery at home, to keep the country clear of such, they would report that Alo' & 'Ahone and the two women set forth in their statement hereto annexed marked A are of such repute that they refuse to leave the Country, they further represent, that it is dangerous to the Community for them to go at large and desire that the said Alo' & Ah'hone with the two women be taken in Custody by the Vigilence Committee and be sent out of the Country

A'sing and Lipscom propose to put them in our Custody pay all expenses in keeping them, procure a passage for them pay for it and send them away under our direction—these persons agreed to return home, Asing paid their passage after which they refused to go at all

N. Asing [Chinese signature follows]
Lipscom [Signed] Lipson [.?]

Ordered that the said Persons be taken into Custody and sent out of the Country and the proceedings be reported to the General Committee

[Signed] S Payran
Presdt Ex C^m^

[July 4, 1851]

M^r Woodworth's Letter in relation to the Chinese Prisoners. July 4^th 1851

San Francisco July 4^th 1851

Gen^t Executive Committee

I have examined the evidence adduced on behalf of the defense of the Prisoners "Aloh" "Sinco" & "Ahoe Si" and am satisfied that there exists on the part of plaintiffs a conspiracy to deprive the above named persons of their liberty and reposing confidence in the wisdom of your body. I trust that the simple application for their release, here made will meet with your ready assent, as I believe the above charge can be by me proven, should you be disposed to hear the evidence[6]

I have the honor to be
Very Respectfully Your Obt Servt
[Signed] S. E. Woodworth
Mandrin of the Celestial Empire And China Consul

[Endorsed:] Filed July 4^th 1851

R. S. Lammot. report in relation to Joseph Shaw

Joseph Shaw. 5 feet 10 high—rather light complection—brow hair & large whiskers—slight build. Came from Sidney with about 60 lbs spurious gold dust & a keg of bogus dollars, went away from San Francisco about 1^st June. for Sacramento or Stockton when in San Fran. was always followed by two greyhounds.

Information given me by William Low[?], baker Pleasant Valley.

[Signed] R. S. Lammot, N° 49

[Endorsed:] Filed July 4^th 1851

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[6] Woodworth's connection with the case is interesting. The *Alta California*, May 12, 1851, spoke of him as the "Agent of the China Boys," which may explain an earlier paragraph (*Alta California*, March 6), noting that "A letter was received a short time ago by Hon. Mr. Woodworth, Chinese Mandarin in California, in regard to a woman, Atoy, who had left her husband and run away to California." The titles "Mandarin" and "China Consul" unquestionably denote a commercial, rather than a diplomatic relation. Mr. F. A. Woodworth of San Francisco, a son of Selim E. Woodworth, informed the editor, under date of November 20, 1915, that his father was never in China, and held no official appointment from the government of that country.

M^rs^ M^c^ Lean in relation to Fire. July 4^th^ 1851

Friend Schanck

There is a lady (a Mrs M^c^ Lean) who can give the Commtty a description of a man who attempted to set fire to her house yesterday

Yours truly

Ben

[Endorsed:] Filed by M^r^ Schenck.

[Resolution concerning C. H. Welling]

WHEREAS the following annexed advertisement [7] has appeared in the *Stockton Journal*, therefore be it

Resolved that No 237, a gentleman bearing the same name be requested to explain to this Committee the facts of the case & whether he is the man alluded to or not

"CAUTION.—The public are hereby cautioned not to trust or put any confidence in a smart looking young man calling himself Charles H. Welling, as he has collected money for the *Journal* in San Francisco, with which he has absconded. He has also collected money for the Sacramento papers, for which he has never accounted. His whereabouts is at present unknown." July 2

offered by D J Thomas Dep Mar. No 4

SATURDAY, JULY 5, 1851

MINUTES

Report & Minutes of Executive Committee July 5^th^ 1851 from 9 to 12 OClock

At a meeting of the Executive Committee held pursuant to adjournment this 5^th^ day of July A D 1851 Present at 9.

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[7] A newspaper clipping is pasted below this resolution, and as it shows the date of the insertion of the advertisement, it gives a slight clue to the place of this undated paper in the files of the Committee. Welling's name is annotated "Absconded" in the *Book of Names* of the sergeant-at-arms. *Papers of the San Francisco Committee of Vigilance of 1851*, I.

[July 5, 1851]

OClock A M. James Ward J. F. Spence James F. Curtis Charles Brindley George Oakes Isaac Bluxome Jr W. L. Bromley Thomas Mc Cahill Stephen Payran E. Gorham

Meeting called to order, Sullivan Witness against Stephens did not appear,

In the matter of Goff or Gough to appear this day at 8. OClock P. M. also that Mr Marsh appear to testify

Ordered that the Chief of Police procure Irons suitable to secure the Prisoner Stephens,

In relation to information touching Zinc House it was ordered that Chief of Police detail a Guard to examine Premises, and if circumstances are suspicious to arrest all suspicious Persons

In the matter of Alexander Wright a Passenger per *John S. Potter* it being ascertained that he is a dangerous character, it is ordered that he leave the County,

Confession of Wright filed.

Ordered (in the matter of Stephens to procure further Evidence and accomplices) that each Member who has not a Horse shall get one at the expense of the Committee, and that a Carriage sufficient to contain four Persons, to convey Prisoner and three members &c see resolution filed.

Resolution of Committee in relation to Horses & Carriage, to convey Stephens alias Stuart & other purposes

Resolved that each member who has not a Horse shall get one at the expence of the Committee,[1] and that there shall be a carriage procured large enough to hold four persons, one of which shall be the "prisoner" and the other Three shall be Mr Oakes Mr Brinley and Mr Bromley and that the balance of the committee shall procede in pairs of Two so as not to create any public surprise

[Endorsed:] Filed July 5 1851

The offer made by J. Clarke Esquire through S Payran President of Executive Committee to appear as Counsel in any action or actions at Law accepted & a vote of thanks awarded, Card filed

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[1] See vouchers No. 13 and 73, pp. 774, 789.

Adjourned until 8. OClock P M of this day

[Signed] S Payran
Presdt

Mr Rehfish—introduced—a member of Marysville Committee —gives information respecting one Murray—whipped and turned out of the town.

[Signed] C. H. Brinley
Secy

[Endorsed:] Filed July 5th 1851

Minutes Ex Committee Afternoon Session

Present Mr Perin [Payran], J. Ward, Brindley Oakes, Spence, Bluxome

The Sergeant at Arms was called before them, was informed that Mr Brannan felt himself insulted by the conduct of the Sergeant at Arms—The Sergeant at Arms Mr Mc Duffie, has expressed his regret that Mr Brannan should feel hurt at his action, and positively denies any intention or desire to give offence to Mr Brannan.

Thereupon resolved that a copy of the proceedings be sent to S. Brannan Esquire

San Francisco July 5th 1851

Report Ex Committee July 5, 1851

And now July 5th 1851 Executive Committee convened agreeably to adjournment Present S. Brannan C. H. Brindley Thomas Mc Cahill George Oakes G. E. Schenck James F. Curtis Isaac Bluxome Jr W. L Bromley J. F. Spence E Gorham Stephen Payran Mr Woodworth

On motion and carried— That Sam Church be turned over to the Commanding Officer at Benicia with such testimony as we have elicited, with a communication to the effect that he does not come under our cognizance.

Resolution respecting Sergt Mc Duffee—in his conduct toward Mr Brannan—laid upon the table—No further action to be taken upon the subject. passed—

Motion, and carried— That the Sergt. of Arms hereafter receive all his orders from the Ex: Com:

[July 5, 1851]

Information received respecting Hennessey—on motion carried—that Chief of Police be instructed to arrest immediately—order for arrest issued—

Information rec^d^ from Frank Ball in relation to one "Jenny about town" be placed on file—motion made & carried—

Moved that No 238 [W. A. White] request Geo. Book to appear before the Ex Committee tomorrow morning at 9 o'clk to give testimoney relating to Ben the Negro—

Examination of John Gough Commenced and concluded

Ordered that Gough be ordered to leave the County in five days from the 7th of July instant—and that the General Committee be recommended to that effect

Letter received from Tho^s^ Dalgren of date July 4th—ordered that his letter be answered by Secy of Ex Committee—stating that he is requested to appear before the Ex. Comm & that he shall be assured that he shall leave our room unharmed & unmolested—

Ex. Police Officers M^c^Carthy, M^c^Intire & Thorp gave testimoney in relation to Prisoner Stewart alias Stevens Prisoner was present at the examination also the H. B. M. Consul Mr Aiken who heard the examination Testimony placed on file[2]

John Sullivan witness in Stewart case introduced, his testimoney of yesterday read to him and direct examination resumed & ended

There being no further business the Committee adjourned to meet at ½ past 9 O'Clock A M of the 6th July

[Signed] S. Payran

Minutes of Gen^l^ Meeting July 5. 1851

Minutes of Committee of Vigilance July 5, 1851

On motion Mr Selim Woodworth was called to the chair—

The testimony in the case of Sam^l^ Church together with the report of Ex Com was read and placed on file—

Testimony in case of Alexander Wright a convict with report of Ex Com—was read and accepted—On motion Mr Wright was brought before the Committee and sentenced to be sent back to Sydney—and never to return—

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[2] The policeman refused to identify Stuart. Thorp's testimony is reprinted from the *Herald* but no copies have been found of McIntyre's and McCarthy's. (See also Stuart's confession, note 31, p. 234.) George Aiken was the British Consul in San Francisco at this time.

Testimony in case of John Goff together with report of Ex Com was read and accepted On motion Mr Schenck Mr Goff was brought before the Comm—and received his sentance—which was, that he leave the state of California in five days from date

Petion of Victor De Gray was read and refered to Mr Deleseret—

Report of Prison Committee was read and accepted— On motion of Mr J C Ward

Resolved—As the amount wanted by the Sheriff to complete the Goal could be made up by each of our members obtaining 10 subscribers at $3 each—That a committee of the whole take up subscriptions for carrying out this object— Carried

On motion of Mr [. . .]

Resolved—that a committee of Three be appointed (from volunteers) to waite on Mr Metcalf & Mess Lockwood, Tilford and Randolph acting as council for the prosecution in the case of Metcalf vs Argenti—Atkinson & others and they are hereby directed to request those Gent to withdraw the suit and decline further proceedings in the matter touching this case—The following Gent were appointed the committee Mr Middleton—Mr Sharon—Mr Brindley[3]—

Mr Alexander Murray desired to withdraw his name from the books of this committee in consequence of ill health—It is ordered that Mr Murray be excused from duty until he recovers in health and his fines be remitted—

On motion of Mr Brannan—

Resolved—That Mr Salmon the Ex treasurer of this Committee hand over to Mr Deleseret the books & papers together with all moneys he has in his possession belonging to this Committee

On motion

Resolved That a Committee of five be appointed to hear the excuses of Delinquent members—

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[3] For the response to this application, see p. 210.

[July 5, 1851]

On motion

Resolved That the Finance Committee make a full report to Gen^l Com of their present liabilities & assets together with the manner in which the moneys have been expended—

On motion of Mr Brindley.

Resolved That the Chief Marshall detail a guard to keep watch on the outside of this building every night—

On motion of Mr [. . .]

Resolved that the following be published in all the papers[4]—

Preamble—It having become necessary to the peace and quiet of this community that all criminals and abettors in crime should be driven from among us, no good citizen having the welfare of San Francisco at heart, will deny the Committee of Vigelance such information as will enable them to carry out the above object—nor will they interfere with said Committee when they may deem it best, to search any premises for suspicious characters or stolen property—therefore—

Resolved—that we the Vigelance Com—do claim to ourselves the right to enter any person or persons premises—where we have good reason to believe that we shall find evidence—to substantiate and carry out the object of this body—and further deeming ourselves—engaged in a good and just purpose—we intend to maintain it.

On motion of Mr Woodworth

Resolved—That the Secretary be directed to prepare a notice to Ship Masters—calling their attention to a Resolution of this Committee in regard to the prohibition of landing convicts within the limits of the State of California and suggesting to them the expediency of requiring every passenger brought from any of the penal Colonies of Great Britain to be furnished with a certificate of Character from the Government authorities or of the American Consul at the port from which they may embark and assuring them of the determination of this Committee to prevent the landing of every such passengers as may not be furnished with such certificates

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[4] This notice appeared in the San Francisco papers, July 7 to 9, dated "Vigilance Committee Rooms, July 5," and subscribed "By order of The Committee of Vigilance, No. 67, Secretary." The words "We intend to maintain it" were printed in capitals for the sake of emphasis.

[Signed] I Bluxome Jr
Secretary

On motion of Mr Middleton

Resolved That a Committee of Three be appointed to investigate the difficulty between Mr Sam^{l} Bannan & Mr M^{c} Duffee Sergt at Arms—The following are the Committee George Howard—Sam^{l} Haight, John F Spence

MISCELLANEOUS PAPERS

Room Guard for Saturday Night to Sleep in Room[5]

9 to 12	H. P. Jones	√ ×	
	Simon Haber		up the Country
	F. R. Bunker	×	
	G. W. Harris	×	Wethered
	L. F. Oakley	√ ×	Oakley D. L.
12 to 3	G. W. Schultz	√	
	(1½ [hour at] door)		Jno G M^{c}Karaker
	R. W. Nevins	√	
	T. R. Loomis	×	W^{m} Reynolds
	[J. S. Wethered]	√	Major Graham
	J. Pendergast	×	
3 to 6	(Door) Jos Porter	√	present
	C. H. H. Cook	×	Hockofler
	(Door) H. Gerke	√	present
	F. Hoen	√	present
	J. H. Levien	√	present

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[5] This is the only detail of guard duty which has been preserved among the papers of the Committee. The check √ shows that the member was present, and ×, indicating absence, is followed by the name of a substitute. Three names are doubly checked, as if in correction, and the one in square brackets is crossed out. The document is in the writing of Van Bokkelen, chief of police, and from such lists the sergeant-at-arms compiled his account of the fines due from members who were absent from guard duty.

[July 5, 1851]

6 to 9	John Dennis	√ ×	absent	De Long
	(Door)—J. M. Swift		present	|
	D. M. Lansing	×		C. S. Simpson
	A. T. Eastbury	√	present	
	C. C. Richmond	×		Jacobs

The above will please report to Chief as soon as they come in the room

J. D. Wilson Noah	1 oclock	outside
Atkinson Raynes	1 to 4 oclock	

[On the back of this sheet are some carelessly scribbled repetitions of words and dates, a pen and ink profile sketch (unnamed) and the following notes:]

R. W. Nevins Cunninghams Wharf

Vigilant Committee of San Francisco California July 5th 1851

539 W F McLean—this man must not be admitted in the room. for Explanation apply to

152. [W. C. Graham]

297 [R. W. Nevins]

152 complained of Mr F McLean of an improper conversation with two Policemen—[Signed] P. P. [Paul Petrovits]

472 J. D. Wilson said he had an information that one of our numbers said to a suspicious caracter he would release him should he ever get into trouble provided he would not mind 100 or two $—[Signed] P. P.

Alexander Wrights Statement

Alex Wright— left Dublin in the ship *Clyde* a convict ship, and as a convict—got into a row, and struck a man with a quart pot, and injured him severely—for the offence, was tried and sent to Sydney for 7 years.—left home in 1838—became free in 1845, and since that time have behaved myself properly—

[Endorsed:] Ordered sent back to Sydney—he having been a convict[6] July 5 1851

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[6] See voucher No. 5, p. 772.

J Clarke Esquire. Tender of professional Services. July 4th 1851

San Francisco July 4th 1851

Mr Payran

Dear Sir Should the vigelance committee, or any of it its members, as such, require any services or assistance from me within the line of my profession, they may command them at any time and to any extent.

I feel some little scruples upon the score of delicacy, in making this tender, but relying upon your prudence I will say that you may make such use of this communication as you may think proper,

I am very respectfully
Yours &c &c
[Signed] J Clarke[7]

[Addressed:]
Stephen Payran Esq
Present

[Endorsed:] Filed July 5th 1851

Brannan's Resignation

To the Vigilence Committee

Gentlemen It is withe feelings of regret that I am compelled to offer my resignation as Presiding officer of your honorable body and also my membership of the Exutive Committee, which has arisen from vey unpleasant circumstances with feelings of grateful respect for your past confidence[8]

I remain yours respectfully
[Signed] S Brannan

[Annotated:] On motion of Mr Middleton

Resolved that a committee of three be appointed to investigate the difficulty between Sam^l Brannan and Mr M Duffee Sergt at Arms. The following ar the Committee—George Howard Sam^l Haight John F Spence

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[7] Jeremiah Clarke, counsellor. Kimball, *S. F. Directory*, 1850.

[8] No explanation is made of the misunderstanding between Brannan and McDuffee which prompted this note. The communication sent in reply to the resignation was sealed with a wafer, probably delivered by Petrovits and later returned to the secretary for preservation in the files. Brannan continued his work for a few days, but on the 8th finally withdrew from the Executive Committee, and gave up his position as president of the General Committee.

[Addressed:]

To the Secretary of the Vigilence Committee

Ex Committee to Sam^l Brannan, July 5, 1851

And now July 5th 1851, At a Special Session of the Executive Committee convened for the purpose of enquiring into the differances between S. Brannan Esquire and the Sergeant at Arms Present

Isaac Bluxome Jr	J Ward Es^e
George J. Oakes	J. F Spence
C. H. Brindley	Stephen Payran Presd^t

The Committee having organized, notified M^r M^c Duffee Sergeant at Arms to appear, and being informed that M^r Brannan felt himself insulted by his conduct, M^r M^c Duffee expressed great regret that M^r Brannan should have felt hurt at his action, and positively denies any intention or desire to give any offence to M^r Brannan

Thereupon resolved that a copy of the proceedings be sent to S. Brannan Esquire

San Francisco July 5th 1851

[Signed] Stephen Payran
Presdt

[Signed] C. H. Brinley
Secy. Ex: Com:

San F. July 5th 1851

D^r Sir

We herewith send you a copy of our proceedings and trust that you will take into consideration our prompt action in this matter and sincerely regret that anything unpleasent should have occurred to mar our peace, we earnestly desire that you will be with us this Evening, and not allow this matter to interfere with our business, in the name of my Colleagues I tender you their and my Esteem and respect

[Signed] Stephen Payran
Presdt

[Addressed:]
S Brannan Esquire
Present
P. Petrovits

[*Information respecting Hennessey*]

John Morris. States that he was robbed at Angel Island—has found the articles in the possession of John Hennessey North Beach who acknowledges having stolen them & wished to pay for them—Mr Morris resides at the head of Montgomery St between Vallejo & Kearny St in a clump of Buildings between Montgomery & Kearney St. about Vallejo St.

[Annotated:] Acted upon C H B[rinley]

Policeman Moore Report in relation to Burns
Claytons Saloon

Policeman Moore states that he knows where the notorious Sidney thief & burglar Burns alias "Jimmy-about-town," is and will put him into the hands of the Committee if they will pay the expences of going to Sac city, and in case he fails to do so will pay back the money. Being a policeman he does not wish it known if he puts him in the hands of the Committee.

[Signed] Frank Ball

[Annotated:] Acted on—to be placed on file C. H. B[rinley]
[Endorsed.] Ordered to be filed

Goff's Statement

John Goff—Statement— I have resided in New South Wales —I dont know Judge Forbes—I think I know a man by the name of Foss—I kept a Grocery store in a town called Winsor—I never bought any goods from Mr Foss—but I have taken goods from Mr Foss store to people in the county—I was born in a town called Huntington Eng—I left Eng in the year 1822 or 1823—

[July 5, 1851]

I was sent from Eng. for house breaking I was assigned to one Smith at Hunters River—I was not transported to Norfolk Island—I never worked on the Gaol—I came from Sydney here —I never knew Judge Forbes—I was transported for life—I got a ticket of leave from the government to work at any part of the Colonies or any other country except Great Britain—I think I was about 23 years of age when I left Eng

[Signed] John Goff

Re examined I have been here about 16 months in the Ship *Victoria,* we had about 200 passengers, I knew some few of them, there were some convicts amongst them, I have a wife and family, also brought, James Smith and Wright (Wright died) Wrights wife is here, James Smith is at the mines do not know where, do not correspond with him, Berdue the man now being tried for murder at Marysville also came in the ship I never heard any harm of him at home quiet on board the ship had a wife at Sydney. I have seen him several times since he has been here, he brought four or five pounds of Gold Dust which he left at my House, I do not recollect the names of any others, I never saw (Stevens the Prisoner before) it is not Berdue some slight likeness, Berdue is a shorter man, it was about ten months since Berdue deposited the Gold Dust with me I never knew Jenkins—never knew Byrnes I keep the Panama House, have kept no other place, Berdue sent back for his wife left his direction in my Book I cut it out. I weighed the Gold Dust (Thomas Berdue City of Auburn Dry Diggings to be found at the German Bakers there, write to the care of M^{r} . . .[9] store keeper) I knew Wildred I lived near him at Windsor, I was on intimate terms with Berdue and Wildred in this County—Wildred has gone home I received a Letter from Wildred wife some of the Police have always boarded at my House, ever since the Station House has been erected the Police have boarded with me, she writes to say that we must excuse her not calling on us—he will produce the Letter[10] she sends an order to draw 6 or 700 $ on Lawyer Macallester

Attest S Payran [Signed] John Goff

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[9] Illegible.

[10] See p. 250.

[July 5, 1851]

[Endorsed:] Ordered that Goff have notice to quit within five days from the 7th July A D 1851

[Signed] S Payran

John Goff— I do not know Judge Forbes—I know Mr Marsh—I knew him in Sydney—about the years '30 to 33.—Mr Marsh called at my place—told me he had some butter for sale. I bought the Butter. I paid him £100 on a/c. The Butter was worth over £200—I have never paid him the balance I knew Mr Foss—and carried goods for him into the country—merely acted as carrier I never bought goods of him—I dont know his Porters name—I kept grocery store in Sydney about 3 years. That was about 10 years ago. I came to Sydney from Hunters River—I lived at Smiths at Hunters River about 8 years—Mr Marsh did not reside at Hunter's River—I knew Mr Rodd—dont remember the name of the Governor who was at Sydney when I first arrived there—The last Governor's name was Fitz Ray. I served him with poultry. I never was at Norfolk Island.

[Signed] John Goff

[*Vermeere, alias Morris*]

The attention of the Committee is called upon the man Vermeere who goes here by the assumed name of Morris, is a belgian by birth and is *Goff's son in law* since about a year.

He has a partner called White An Englishman by birth [annotated: This is not true] whose antecedents are not known; the means of existence of these two men are very suspicious they formerly lived with Goff in his house [on] Mission St. which belonged to Vermeere alias Morris who says he sold it. Vermeere alias Morris, now lives on board a Storeship moored somewhere in the neighborhood of California Wharf; he says the Storeship belongs to him and has been heard to boast of having earned lots of money since he came here and of having on board a full cask of coin. He is ostensibly engaged in lightering ships. He uses every endeavour, without great success, to get acquainted with & considered by the most respectable of his own countrymen residing here. He is about 38 years old, about 5 feet 9 in. high, strong built, broad shoulders, light brown hair, round face dark complexion, greyish blue eyes.

White, his partner is about 4 ft. 7 in. high, rather fat & strong, round face, fair hair about 36 years

Tho^s Dalgreen [*Theodore Dahlgrén*]. *July 4th 1851*

San francisco 4 July 1851

To the Comm^{ee} of Vigilance

Gent^{n.} I beg to be released from the restraint under which you have placed me & my personal effects & ask of you in all good feeling that I be permitted quietly & peaceably to leave the country, so that the matter may be put forever at rest.—I firmly disclaim any intention of ever having wished to injure or offend any one in this community & if I have done so, it has been unintentionally, unwittingly; that many of my acts be susceptible of being misconstrued to my disadvantage, may be the fact, but aforethought or depravity of heart has never had aught to do therewith—misfortune, nay even error may have been mine, but both are the lot of almost all of us—perhaps of some among yourselves—The property in your possession is rightfully mine & I cannot believe that you wish to add to my misfortunes, *crimes* if you wish, by an act of injustice, such as withholding my property—Your detention of me here, can even with your construction of my character, be productive of no benefit to me or to any one—

I have no very intimate friend in this community, but I think that D^r Hastings, a friend of my brother's will be willing to guarantee my compliance with what I herein propose

Very Respy
Yr Ob^{t.} ser^{t.}
[Signed] Th Dahlgrén

List of my baggage—

1 sea chest. painted lead color—
1 Brown Leather Trunk marked T. D.
1 Camphor " " "
1 Green Box of charts " "
1 Large Canvass Bag of clothing

1 Roll of Bedding
1 small package of clothes in a hammock
1 Glazed leather Carpet Bag
1 Leather Valise of Tools
1 U S Rifle
1 New hat in Box
1 Sextant in Case
1 Wash hand-basin painted green

[Addressed:]

To The Comm^{t} of Vigilance of Sanfrancisco

[Endorsed:] To be answered by Secy Ex. Comm pr Minutes of that body—

Placed on file

Tillman P. Ranger. San Francisco July 5, 1851

Private

July 5th 1851
Vigilance Committee Room San Francisco

Col Davis

D^{r} Sir We have learned with pleasure that you have organized a Committee of Vigilance in Santa Clara. There is already presented a case in which your committee may be of service to us. There is beyond doubt amongst us an organized band of Counterfeiters whom we desire above all things to detect. very heavy suspicion is resting upon an old man who it is said was once a citizen of Santa Clara He calls himself Joseph Fosgill, but this may be an assumed name. You would probably know him best from description He is about 55 years old quite stoop shouldered rather low & heavy built & pretends to be a little deaf. If any of your citizens should know any thing about the previous character & occupation of a man answering this description please communicate the same to me immediately—write to no one else not even to any other member of the Committee as this matter must be conducted with the utmost secrecy. by proper management we will soon be enabled to ferret out these scoundrels & when we find them wo be to them. You will discover from the *Alta California* of the 1st Inst that the authorities have one of them in custody. We have learned at the Rassette House that you would be the most suitable person for the Committee to correspond with.[11]

Please give an early reply. In haste yours &c

Tillman P. Ranger

[Addressed:]
Col. P J Davis
Santa Clara

[*Statements in relation to Stuart, alias Stevens*]

[From the Supplement of the *S. F. Herald*, July 12, 1851]

W. A. Thorp, *sworn*—I think I know him very well, the first time I saw him was in the Station House in this city for stealing a safe; I also saw him several times before this in and about town; it was after the Jansen affair, I never saw him since; he escaped out of the back door of the Station House the same time that Mathias escaped; he went by the name of Briggs, and some other name; I do not think that I can be mistaken in the man, to the best of my knowledge and belief this is the man; he looks a little like Berdue; I think Stephens is an inch or so taller than Berdue; hair about same color; Stephens wears his hair and whiskers longer than when I first knew him; at the time I took persons into the prison to see Berdue, I saw prisoner, Stephens, there.

Cross-Examined—I decline asking questions.

George Bostrick, negro—I know Wm. Stephens; he came down with me on the steamboat *Star*, from San Jose, about three or four months since. I know he was arrested for stealing money on board; the money was afterwards found in a water-cask in gold dust; don't know the amount; will not swear that this was the one who stole the money, but he was arrested for it. I am at work for W. J. Sloane at the head of Washington st

Thomas Cunningham.—I know the prisoner by sight; saw him on the steamer *New Star* in San Francisco; and confident this is the same man; was on board Sunday morning when the prisoner came for his money; have had some conversation with Capt. Sampson in regard to him. He demanded his money. Capt. Sampson asked me what he had better do; I advised him to see some of the committee. The prisoner asked me what the hell I had to do with it, and should hold me accountable for anything I said in regard to him. Capt. Sampson stated that he was afraid if he detained the money this man or his associates would injure his vessel. This was said during the previous conversation. Capt. S. cautioned me against irritating the man as he had his hand on his pistol. The prisoner said he could establish a good name at San Jose and Santa Clara; he again demanded his money of the captain. At this moment noticed Capt. Baker passing; said I'll step out and speak to him. Stephens said before this if you do not give me my money I'll attach your boat; Stephens said I am very anxious to go to Monterey on horseback and want my money; I have got to be there Monday night. I think this happened on Sunday morning; the boat was one day over her time; had got aground; this occurred about half-past 8 Sunday morning. The owner of the $1000 had left in the Panama [steamer] for Monterey. The captain saw Mr. Baker; left Capt. Peterson and me in the cabin; the man was nervous after the Capt went out. He said "I'll be damned if I'll be troubled more about this business; I'll have the money and prosecute the boat first thing in the morning." After walking up and down the cabin several times he started out and went on the wharf, when Sampson called him back and said, as the man has gone to the States we have concluded to give you the money. He said 'tis best for you to do so before the Committee men come along; I told Captain Sampson that he did not seem like an innocent man, and that I should publish it if I were in the matter and bring the man before the Recorder; this man then seemed anxious to get off. Mr. Wadsworth, engineer, and all the crew of the boat I know. When the man and Captain came back they went into the office and the Captain took the bag; the bag was sealed; said to contain about $380; the man had in his pocket a specimen. Capt. S. wrote a receipt for this money stating how he had received the money from the Committee. This man signed the receipt, I witnessed it; this man's name is not Stevens; I can swear he did not sign that name. The boat was robbed the next trip, Tuesday night, after she arrived, of money between $200 and $600; the little window was cut open and the desk broken into.

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[11] The *Alta California*, July 1, reported the arrest of an Italian for passing spurious gold pieces, and the paper urged the police and citizens to ferret out the band of counterfeiters who were supposed to be flooding the city with worthless coins.

Cross-examined, by Stevens—You told the Captain you wanted your money; you did not tell him you were ready to go with him that morning, to my knowledge; I don't recollect that the Captain said that the man was to go back with him to Santa Clara to show where he got the money. I am shipmaster in command of the American brig *Lion*.

Dura Wardsworth, *sworn*—I came down on the steamer *Star* about the first of February; as we were coming down we ran aground on the bar and remained there over night; after midnight, I turned in and went to sleep; the captain remained on deck until 3 o'clock. A. M., and between 3 A. M. and daylight, the dust was taken from the valise; Stephens was suspected because he had on a coat unlike all the other passengers, of India rubber; another reason was, that one of the passengers thought he felt some person feeling in his pocket, and reached out his hand and felt the India rubber coat. The fine dust of Stephens', about $400, compared favorably with the dust lost, and the amount found made up the amount lost; the value of the specimen found on prisoner was about $200; a committee was chosen to search for the dust; the owner of the dust went directly to the steamer for Panama, without coming on shore; Capt. Sampson was master of the *Star* at the time; is now on his way home; there were 15 or 16 passengers on board; all on board thought this was the man who stole the money.

Cross-examined, by Stephens—All on board, from captain down, including passengers, were searched; one passenger besides the prisoner had gold dust with him; the engineer also had dust; I think Stephens had about $320 besides the specimen; don't recollect that the prisoner Stephens promised to go back on the return of boat; the gentleman who lost the $1000 said that Stephens informed him that he had but $12, of which he intended to give the stage driver $2 for bringing him down and the balance ($10) he intended to give the captain for bringing him to San Francisco; Stephens was showing a Spaniard sitting next to him a quantity of coin (several pieces) which called forth the foregoing remarks. One other bag of dust was given with Stephen's bag to the captain; I did not see either bag given up by the captain.

Direct examination resumed—The amount of dust found in the bag of the other passenger was about $600, about $200 more than was taken from the $1000 bag; I saw the bag of dust taken from the water-cask; the owner recognized the bag immediately, and remarked that some had been taken out; the owner said that he had lost $1,000, and the amount found in the cask and on the prisoner made up the $1,000; never saw prisoner before I saw him about San Francisco.

Robert Pollock, *sworn*—I have seen Wm. Stephens before; he was a passenger on the steamer *Star* with me from the Embarcadaro of Alviso, about the last of January or first of February, 1851; on coming down, we ran ashore on a sand bank and were detained over night; after breakfast, I was walking the deck with him; we seated ourselves in front of the captain's office, and while there the bell was run for the passengers to go into the cabin; I did not know what for; we were then informed that a valise had been robbed of one thousand dollars in gold dust; a motion was made by one of the passengers to institute a search; a committee of three were appointed to conduct the search; in searching the passengers, the amount of money was not found on any person; the prisoner Stephens had gold dust in a leather bag, and a large lump of quartz rock and gold; can't state positively as to the quantity of quartz or gold, it is so long since; the committee took in charge the dust found on Stephens; the committee then searched the steamer; I gave them the key of my trunk; afterwards, the committee called me and told me my trunk was open; after they had searched the boat, the passengers all commenced a search; one of the men belonging to the steamer felt in a water cask and found a bag of dust; it was given to the committee; the dust was then compared with the dust taken from Stephens; $600 were taken from the water-cask and about $400 from Stephens; the committee kept the dust taken from Stephens, believing it to have been stolen; the committee advised a suit at law to be instituted against Stephens; the man who lost the money came here on his way to go home in a steamer. and did not wish to be detained; the gentleman left the $400 in the hands of the captain of the steamboat, to give the prisoner an opportunity to prove where he got the money; the prisoner promised to return by the boat next trip to show where he got the money. I swear positively this is the same man.

Cross-examined, by Stephens—I did not weigh the dust, but was told that it was about $400; don't think any other persons had their money taken from them; I think the engineer had some dust taken from him also, but I saw it handed back to him.

Direct examination resumed—I don't know that the prisoner returned by the steamer.

Mr. Pollock lives on Stockton street, above Sacramento street, on Mr. Winner's property.

Statement of William Stephens—I do not recollect the date, but think it was about the 1st of December; we started about 9 A. M. from the Embarcadero. The next morning it was reported that a man had lost $1000; all the passengers were called below for the purpose of being searched; a bag of dust was taken from me, another bag from one of the other passengers; the contents of both bags were turned upon the table, and the owner of the lost money could not tell which belonged to him. I told them I had about $630 in my bag; the other person had just $600. I requested the captain to take possession of both bags, and seal them, which he did. A search was then made about the vessel; one of the sailors found a bag of dust in the cabin; our bags were then returned to us. The person who lost the money stated that it was not all there, that some had been taken out; it was then put upon the stand and laid out and weighed. The amount was $625. Mine was then weighed, $618—the other passenger's weighed $600. It was agreed then that both bags were to be detained by the captain until I could return with him to San Jose, to prove that it belonged to me. The next morning I went down to the boat to return with the captain to San Jose. The captain was not

[July 5, 1851]

ready to go. I told him he could do either of these things—give me my money or put me in the hands of the marshal, else I should stop the boat. The captain returned me the money. I then went to Mr. Miles, and exchanged my dust for coin; I hired a horse to go to San Jose to meet Smith the gambler, to accompany him to Monterey. Smith had left town. I have not seen him since. We have kept a monte bank together. I worked for Gilroy about two months; received of him from three to four dollars per day; spent this as fast as I earned it; had $1300 when I commenced with Gilroy; had about this sum when I left; won about $160 the same night at San Jose; left for San Francisco the next morning. Smith I believed to be an Englishman. I was told by Mr. Mathews that he had left the country. Smith left San Jose for Monterey Sunday morning; don't know by what conveyance; followed him by stage next morning. The gamblers at San Jose told me that Smith had left for Monterey; thinks that he might have known something to cause an immediate departure. Smith stands about five feet seven inches, dark complexion, dark hair, no whiskers. Have known him 8 or 9 months; first I saw him in Stockton, 16 months ago. I knew Snow and Brour at Sonora, two convict men, miners. Went from San Jose to Sonora for the purpose of mining. Worked with two sailors at the mines, one called Frele; can't think of the other's name. I believe the late troubles at Sonora commenced the day I left for San Jose; have been into the French hotel at Sonora three or four times and gambled there.

Statement in relation to Ferries

The only ferries on the San Joaquin say from Graysonville—are above D° [Graysonville] the first formerly known as Hardings Ferry. now Russell & Leggets 12 miles above Graysonville—the next Ferry above is & has been known for 12 mos.—by the name of Woods Ferry from 5—6 miles above Hardings & not less than 17 miles from Graysonville. Below Graysonville, is San Joaquin City or Town and there is no Ferry between the two places—about 2 or 3 miles above Graysonville & during the high water about 12 months ago—a Ferry Boat plied there owned by Van Dyke & Smith, Van Dyke now keeps a Livery

Stable in Stockton—the Boat remained there untill about the last March /51 when she was taken to Rich^d^ Riddle's Ranch, on the Toulamne about 6 miles above the San Joaquin—This Boat was not a Licensed Boat & was only used when the regular Ferry Boats could not be used on act. of high water—say in June & July 1850—this Boat never has been used as a regular crossing Boat, altho' neighbors to save distance would sometimes cross in her[12]

I James Montgomery hereby acknowledge the foregoing statement to be true & have known Mr Spence who takes my account as above for two [?] years—& he will answer for me

James Montgomery

July 4th 1851

[Endorsed:] Filed July 5th 1851

SUNDAY, JULY 6, 1851

MINUTES

Minutes of Ex^e^ Committee July 6, 1851 from 10, Morning Session

And now[1] July 5th 1851 Executive Committee convened agreeably to adjournment. Present J. C. L. Wadsworth Capt Garwood C. H. Brindley George Oakes J. F. Spence G. E. Schenck E. Gorham S Payran

10 OClock A. M. Minutes heard

Goff's time extended to two weeks—

Adjourned till 7 OClock P. M.

[Signed] S. P[ayran]

[Endorsed:] Filed July 6th 1851

Adj^d^ till 7 OClock P M

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[12] The information concerning ferries across the San Joaquin River was probably obtained in order to assist the Committee in verifying Stuart's statement, that he had walked from Sonora to San Francisco. An act of the legislature passed March 18, 1850, made it necessary to procure a license in order to operate a public ferry.

[1] This memorandum, in Payran's writing, seems to be an incomplete report of the meeting of the 6th, the date of the endorsement. The fuller minutes, following, were written by Spence, and those for the evening by Payran. Some confusion and duplication of records are noticeable on this date.

Sunday Mg Session

Present Garwood, Schenk, Brinley, Spence, Payran, Gorham, Bromley Wadsworth.

Received a communication from Mr Jno P Haff No 72. concerning the man Goff—in substance recommending that as Mrs G was yesterday confined of twins that a little more time be allowed prior to send them out of the country. [Annotated on margin:] Recommended that Goff's time be extended to two weeks

Received a communication of Wm C. Graham No 152. being a complaint against W. F. Mc Lean No 539. he not being considered a fit member of the Vigilance Committee—No 152 states that this mg about 2. o'clock, found No 539. standing at the door conversing with two Policemen & heard him say that it was d—d infernal shame the action of the Vigilance Committee in the case of Goff. it was a d—d imposition & one he would not submit to —and farther stated, that Mc Lean said the day they go to put their decision into execution, that he would have the Boys about & release him[2]

Received communication of 472, to wit J. D. Wilson, said he had information that one of our members said to a suspicious character, he would release him should he ever get into trouble provided he would not mind $100 or $200—

Received report of No 188 [181 F. A. Atkinson] concerning the man Goff, may be a link in the case of Wm F Mc Lean [Annotated on margin:] Accepted and placed on file

In the Case of Church. appeared Lieut Derby to whom the minutes & resolution in the case of Church were read. Lieut Derby requested that we would detain Church until he could send a sergeant & file of men for him, which we promised to do forthwith. [Annotated on margin:] Accepted

Received the Report of Bela Dexter against Thomas Holt charged with stealing a Pistol—$20. & obtg. money from John

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[2] This complaint was first registered on the list of room guards, p. 180. McLean's name is omitted from the *Book of Names* of the sergeant-at-arms, and is annotated "Not to be admitted" on the roll of members (*Papers of the San Francisco Committee of Vigilance of 1851*, I). The Committee felt that it was wise to justify the banishment of Goff by publishing the full evidence in his case in the papers of July 18.

[July 6, 1851]

Endery, on an order given for advance for seamans wages $50

[Annotated on margin:] Accepted & placed on file

Charles Fox—*Sworn*—Knows the Pistol, can prove to be his bought it & paid $35. it was stolen from [him] at the Carlisle House by Thomas Holt—who went under the pretext of seeing the owner of the House. Board at the Carlisle House, kept by a man called Carlisle. will bring the person from whom I bot the Pistol—also the person who saw Holt steal the Pistol. am an Englishman came from New Zealand. have been always at the mines until now.

There being no further business before this Committee it was adjourned until 7 o'clock P. M.

[Signed] J^n F Spence
Sect^y pro tem
[Signed] S Payran
Prest

Minutes of Ex^c Committee July 6 51

And now July 6th 1851 Executive Committee convened agreeably to adjournment at 7 OClock P. M. Present M^r Woodworth James Ward J. C. L. Wadsworth G. E. Schenck Capt Garwood Isaac Bluxome Jr C. H. Brindley Stephen Payran M^r Curtis

John Morris in the matter of Hennessey examined;

Letter of Lieu^t Derby received and read Order made by Ex^e Committee & confirmed by General Committee to remain. Letter to be filed without further action on the part of Executive Committee, Letter answered.

Hennessy directed to appear in relation to Morris charge of Larceny at ½ past 9. oclock P. M.

John Goff On motion it was resolved to reconsider the order in relation to John Goff's departure passed on the 5th inst., order rescinded

Motion carried extening time for John Goff's to depart this City to thirty days from the 7th July

John D. Wilson No 472 of the Vigilance Committee reported.

Report of W^{m} H. Jones in relation to Edward Allen ordered to be recorded & filed

Report of 238 [W. A. White] in relation to Book touching the Fire & Negro Ben Book not appearing, matter laid over until to morrow for further action

The Pistol No 13213 claimed & proven by Charles Fox is ordered to be delivered up upon signing receipt for the same to be witnessed by Carlile who proved the property

L. W. Sloat's report in relation to Judge Bennett refusing to grant Writ of Habeas Corpus in relation to Stephens alias Stuart applied for by [. . .] Pixley ordered to be filed [3]

Adjourned to meet to morrow at 7 OClock P. M. without special notice be given by Sergeant at Arms to meet at another hour on special business

[Signed] S Payran
Ch^{n}

Minutes of Gen^{l} Meeting July 6. 1851

Mr Selim Woodworth in the Chair—

The following Gent were appointed to receive the excuses of delinquent members—Dr. Tewksbury Sam^{l} W Haight Joseph Malone[4] James S Wethered F A Atkinson

On motion Mr Brinley—

Resolved—That [in] the case of Mr Goff the matter be laid over until the meeting of Monday evening July 7.

On motion of Mr Jas C Ward

Resolved, That no reconsideration of a sentence (after it is passed) shall be in order unless a notice is given at one meeting that said reconsideration will be brought to the attention of the subsequent meeting—in other words that 24 hours notice shall be given to the members of this Committee of Vigilance—

On motion of Mr Norton

Resolved That no criminal shall be sentanced until he or she shall have an opportunity of pleading guilty or not guilty and assigning his or her reason why judgment should not be passed

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[3] See note 1, p. 214.

[4] The name of Joseph Malone is not on the list of members. James R. [Rube] Malony, was number 250.

[July 6, 1851]

Report of Committee of 3 in the matter pending between Sam^{l} Brannan & Mr M^{c} Duffie the Serg^{t} at Arms was approved and no further action in the matter

On motion the thanks tendered to Committee and they were then discharged.

[Signed] I Bluxome Jr
Secretary

MISCELLANEOUS PAPERS

F Atkinson, case of John Goff. July 5, 1851

Committee of Vigilance (4 oc A. M.)

Information was obtained this evening by the un . . . from the Deputy Marshall of this district Mr . . . as also from Mr M^{c} Carty of the Police, to this effect that they had Boarded with Mr Goff, for the space of 9 mos, had known him for some-time previous, that he had always been an upright and honest man, since being in the country, that his wife was a first cousin to Stewart the dry Goods Merchant in New York. that two Respectable witnesses could be produced as to his good character, and that they would not see him driven from the Country, although, I learn that he is perfectly willing to go if necessary. These witnesses state that they are perfectly willing to state the above facts

No 181

[Signed] F A Atkinson

July 5th /51

[A corner of this paper is torn. The letter was addressed:]

To the Committee of Vigilance

The Serg^{t} at Arms will please have this presented to the Chief of Police Mr J L Van Bokelin

[Endorsed:] Filed July 6/51

M^{r} Dexter's Statement in relation to Holt

To the members of the Vigilance Committee,

Gentlemen On last Friday Evening I received information that a robbery had been committed, and with two other Gentlemen of the Committee proceed to ferret out the person, all the information we could gain was that he had been seen at a number of places and at one left a case containing a pistol &

fixtures, which was previously stated by Mr Rafferty one of the persons robbed, to have been stolen. We brought the case & pistol & deposited it with the Seargeant at Arms. No clue having been obtained until this day July 4th of his whereabouts, and that we have found out a sufficient number of witnesses who are well acquainted with him, and that he has not only stolen the Pistol but twenty dollars in money from a young man, and that he shipped for a voyage in the ship *John Gray* to proceed to sea, received his order for his advance which was fifty dollars from the shipping Master, Went to a Mr John Endery, told him he would proceed on the voyage, asked him to cash it as he wished to furnish necessary articles for the voyage. he Endery did so has never seen Thomas Holt since he Endery states that his arest would be a blessing to the said Thomas Holt in person but more so to his *Parents* whom are quite wealthy and of Good repute.

The present residence of the Mr Thomas Holt has been pointed out some ten or twelve miles from this place—where he can be found if speedy action is taken upon it. all of which is most respectfully submitted to the Vigalant Committee by

[Signed] Bela Dexter

[Endorsed:] Filed

San Francisco July 6. 1851. Geo H Derby Lt. Top. Engineers

Room of the Vigilance Committee
San Francisco July 6 1851

To the Executive Committee

Gentlemen It appears from the evidence in the case of Samuel R. Church that the horse stolen from me was sold by him to a person of the name of Green in Sacramento City who is described by Church in his confession, I understand that a similar organization to your own exists in Sacramento and if not asking too much (emboldened as I am by your previous kindness to me) I now request that you bring this fact to their notice as they may be able to recover the horse, which is to me an extremely valuable animal, I am ready with pleasure to remunerate you or them for any expense that you may be at on my account—

[July 6, 1851]

Allow me at this time gentlemen to express my indebtedness to you, for the kindness you have shown me personally and also my gratification as a citizen of the United States and an officer of the army at witnessing the promptitude with which you arrest and punish any attempt to violate the good order of society

I am gentlemen
with great respect
Your obdt Servt
[Signed] Geo H. Derby

[Endorsed:] Returns thanks to the Ex Committee for their kindness, & requests them to communicate a portion of the evidence in the case of Church to the Committee of Sacramento City

Lieut Derbys Letter. July 6th 1851

To the "Vigilance Committee"

Gentlemen In the case of Samuel R Church ordered by you to be turned over to the military authority I have to state that I am prepared to remove him according to your notification of this morning—I would however respectfully represent to you that this man by his own confession has committed a crime for which by the laws of this Country he should suffer death, that if turned over to us his punishment will be utterly inadequate to his crime, that judging from the well known desperate character of the man and his frequent successful escapes previously, I am satisfied that if turned over by you without punishment he will soon be at large among you again and in consequence I would respectfully request you to reconsider your action in his case

With great respect
Your Obdt Servt
[Signed] Geo H Derby.

[Endorsed:] Laid on the Table
Order by Exee Committee & confirmed by General Committee to remain
[Signed] S Payran Presdt
July 6/51

Answd

Report of W^m^ H Jones in relation to Edward Allen ordered on file July 1^st^ 1851

Edward Allen. A Coloured man. is now on board the Steamer *Pacific* daily Expected here in the Capacity of first Steward. he is from *Philad^a^* known there to be a thief & a man Capable of doing any bad deed. he is a large powerful man. light Coloured.

W^m^ H. Jones

[Endorsed:] Ordered to be Filed & Recorded

[Signed] S Payran
July 6. 1851

In relation to Book & The Fire [*Case of Negro Ben*]

San Francisco July 5^th^ 1851

George Book Resides in Washington Street above Stockton Street is to be found at the Butchers Shop in Washington St Says he was the first man at the Fire Saw the Negro coming down the Stairs Wished him to return to see where the fire was but he refused to go back and made his escape knows the man if he should see him

No 238 V. C. [W. A. White]

[Annotated:] order for M^r^ Book to appear tomorrow morning at 9 o'clock—

Sloats report [*Case of Stuart*]

L. W. Sloat informs me that he was in Judge Bennets chambers last night at 9½ to 10 oclock when Mr Pixley applied to the Judge for a Writ of Habeas Corpus commanding Mr Van Brocklin to produce the body of one Stevens alias Stuart by him wrongfully held in custody, which writ the Judge refused alledging that the application should be made in open Court. I have since heard from another source that the same application was again made this morning & again refused on the same ground.

S. F. July 6, 1851

No 81 [D. J. Thomas, Jr.]

[Endorsed:] filed July 6/51

[July 6, 1851]

[Report of the Committee on Brannan's Resignation]

The members of the Committee appointed to examine into the difficulty between the Sergeant at Arms and the chairman of this Committee beg leave to report that they have examined into the matter as far as possible & find that the explanations given by the Sergeant at Arms of his conduct are satisfactory to them, that he did not intend to insult the chairman of this Committee—And they would respectfully recommend that the chairman be again requested in writing by the Secretary to withdraw his resignation and to give this Committee the benefit of his services which they deem so valuable to this Committee as well as to the whole of the order loving portion of this community, and they would further request to report to the Genl Committee, the result of the action of a Special Meeting of the Executive Committee on the same subject held yesterday immediately after the charge preferred by the President—read then the report accompanying this— we are

Respectfully
[Signed] S. W. Haight
" J. F. Spence
" Geo. Howard

[Annotated:] Allowed

[Endorsed:] Accepted & placed on file. Committee discharged

MONDAY, JULY 7, 1851

MINUTES

Minutes July 7 1851

At a special Session of the Executive Committee held at 12 OClock N. July 7th 1851 Present Isaac Bluxome Jr. G. E. Schenck W. Bromley J. F. Spence George J. Oakes Stephen Payran

Minutes of previous Meeting read Received communication from Paul Rosasco Master of the *Lady Adams*, as thus handed to J. F. Spence Esqre a paper which he picked up July 6th 1851 at Saucelito enclosed in a Bottle to wit—

"Whoever takes up this, I hope they will be kind enough to come and rescue a poor Female, who is kept a Prisoner on board of the *Izette*,"

[Annotated on margin:] On motion it is ordered that Capt Garwood & Gorham, go on board the *Polk* and obtain an officer to accompany them to the *Izette*, and make the inquiry touching the matter of the 'Female' related in the communication, & take with them such guard as they think proper—

In relation to the report made by the President of Executive Committee in relation to Yerba Buena, it is ordered that Capt Gorham & Garwood communicate with Capt M^c^ Gowan of the *Polk* touching said matter and request the attendance of Capt. M^c^ Gowan & all others knowing anything of the matter to appear at 8. OClock P M of this day

[Signed] S Payran
Presd^t^

[Endorsed:] Filed July 7 1851

Minutes of Ex^e^ Committee July 7 1851.—Evening Session

Present S. Payran Ward Woodworth Bromley Ellis Bluxome Garwood Oakes Woodsworth Schenck Turner Watson Brinley

Communication rec^d^ from Cap^t^ Patterson respecting the dept of '*Cameo*' for Sydney on motion & carried—that a com: of three be appointed to ship Wright. Com: H. S. Gates, J. R. Maloney, C. L. Case. order issued—

Order given to Capt Garwood to detail guard to proceed with Mr Marks to arrest Adams if he can be found.

In the matter of the "*Izette*" reported by M^r^ Spence, Committee report that they made an examination into the matter, and found it untrue

Yerba Buena Island laid over for further action,

Statement of Hetherington (handed in by M^r^ Spence) ordered to be filed for further action[1]

Adjourned to meet at 9. OClock A M of July 8^th^ 1851

[Signed] S Payran
Presd^t^

[Endorsed:] John Morris

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[1] This statement, filed July 8, is printed on pp. 242–245.

[July 7, 1851]

Minutes of General Meeting July 7, 1851

Mr Selim Woodworth in the chair

Report of Ex Committee in the Case of Mr Goff— accepted

On motion of Mr Geo J Oakes

Resolved—That Mr Goff have 30 days from time of arrest —to prepare himself to leave this state—

Report of Special Committee to wait on Mess Lockwood, Tilford & Randolph together with letter from the Gent—report accepted—and communication laid on table— Committee discharged

Report of Mr Delasaret committee of one in the case of Victor De Gray who petitioned the Committee for money for detention & disgrace as witness in the case of Mrs Robinson arrested on suspicion of arson— report accepted Committee discharged

On motion of Mr Jas C Ward

Resolved That a vote of thanks be tendered Mr Salmon for his services as treasurer

Report of Finance Committee accepted and placed on file

Report of Ex Committee in the case of Dalgreen—together with communication from him were read— report accepted

The following Gent were appointed a Committee [. . .]

On motion of Mr Malone

Resolved—That hereafter when any motion is made for a reconsideration of a matter previously disposed of by this committee that it shall require a two third vote of all members present to obtain a reconsideration

On motion adjourned

[Signed] I Bluxome Jr
Secretary

On motion of Mr [. . .]

Resolved—That a committee of 10 be appointed to enquire into the affairs of the County Gaol and investigate the frauds that have been practiced upon the people of the County and detect if possible those persons who have robbed the public treasury of the 150000.$ that was appropriated for the erection of a County Prison—and to report at the earliest possible day

The following Gent were appointed the Committee W Fell
Geo R Ward Sam^l Brannan Dr Gates E M Earle
Maloney Benj Reynolds W L Hobson Co^l Jas Huie
Robert Wells Geo J Oakes D E Thomas Jr

MISCELLANEOUS PAPERS

Finance report

The Committee on Finance report that the Funds now at the disposal of Treasurer is about $800.

That the amount due in bills approved & not paid is $920

That over 100 members are still in arrears for their initiation fees.

The late Treasurer has been prevented by indisposition from furnishing accounts to the period of his leaving office but the Committee feel assured that the same will [be] forthcoming without delay—The sum in his hands does not exceed $125.

The Committee also report that the estimate for the monthly expenses of the "Committee of Vigilance" is as follows—

Rent of Room attendance & incidental expenses	$1000.
Outside expences	500.
Total	$1500.

The Committee also report that nearly $1000 has been collected by the late Treasurer Mr Salmon from voluntary subscriptions which sum has gone far towards defraying the expenses of the Committee during the past month

All of which is respectfully submitted

San Fran July 7th 1851

[Signed] W^m H Jones
" Geo. R. Ward
" Eug Delessert
" Geo. J. Oakes
Committee

[Endorsed:] accepted

Bills Due untill to day

Daguerrotype of Sydney people	$24—
Barels of Oil	45—
Boats hire for *John Potter*	20

Different furniture		195
office Stationery		22
Posting Bills		12
Saddle Horse for the Mission		15
Our Servant Fee		60
M^{r} Macduffie fee		150
E Delessert . . .[2] advanced		100
Carpenter work		200
		$920
M^{r} MacDuffie has in hand	$700	
James King of W$^{m.}$	123	
		823
	$823	
due		$ 97
about 100 members have not paid their fee	$500	
205 fines at $5	1025	
Due to us	$1525	

[Annotated:] Approved

[Signed] Eug Delessert
Treasurer

San F^{co} July 7th 1851

[*Communication from Stephen Payran*]

Sergeant at Arms of the Committee of Vigilence

Sir You are requested to show the enclosed Letter to any five of the Executive Committee of the Committee of Vigilence, most convenient to you, and if they order a special meeting to be held, to notify me of the time, by leaving notice at the Mansion House

Yours respect^{y}
[Signed] S Payran Presdt

July 7/51

I propose you should show this to M^{r} Spence, Garwood, Ward,

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[2] Illegible.

Capt. Gorham, Brinley, Bromley, Curtis, Schenck, Ellis, Bluxome, or any five of them

[Addressed:]

To Sergeant at Arms of the Ex^e Committee
Present

Statement in relation to Yerba Buena

To the Executive Committee, of the Committee of Vigilence in and for the City and County of San Francisco & State of C^a

Gent From information received from a reliable source I would present Yerba Buena Island [3] as being infested with a Gang of Thieves and perhaps worse, it appears that the Cutter *Polk* lay to the Leeward of the Island Yesterday, and while there distinctly saw several men leave the Beach for an instant and returned again armed apparently with Rifles and it seemed to all on board the *Polk* to prevent the Landing of any persons from her, they also saw packing Boxes Bales &c &c in great quantity, the party on board the *Polk* imagined that the Gang on shore took them for the Vigilence Committee, One gentleman informed me that he has no doubt, of the fact that the Island is the receptacle of a large amount of stolen property, as well as the habitation of several Felons, I therefore respectfully and earnestly call the attention of the Executive Committee to the subject, and propose the following motion "That the Officer in command of the *Polk* on Sunday the 6^th be respectfully requested to come before our body and relate particulars touching the matter as well as inquire of him as to the Gentlemen on the *Polk* who witnessed the scene"

Very respectfully Gentlemen
Your Obdt Servt

July 7^th 1851 [Signed] S Payran

[Addressed:]

To The Executive Committee of the Committee of Vigilence per Sergeant at Arms Present

To be opened by anyone of the Executive Committee

[Endorsed:] Filed July 7 1851

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[3] The island of Yerba Buena, which lies to the east of San Francisco, is, at the present time, often called Goat Island.

Parker's Letter. [*Case of Adams*]

To the Committee.

The bearer of this note will give information where the Burglar Adams can be found, provided his expences are paid

Respy

[Signed] W H Parker

July 7 1851

[Addressed:]

Vigilance Committee

[Endorsed:] Filed July 7/51

Marks Statement in relation to Adams the Burglar

Joseph Marks[4]— I was an officer of the Police of this City—Adams the Burglar is on the other side of the Bay—I think it would take about one & half days to take him—I want no pay for the same—provided the expenses of the boats are paid—There are about five scoundrels with him—I think he would make resistance—I have been in San Francisco five years & I know many of the scoundrels in and about this city—I formerly belonged to Col Stevenson's Regiment, Company G Capt Stevenson—1st Sergt Meare—

Showed Prisoner Stephens to Joseph Marks who swears that he knows him to be the man who passed under the name of Jim Briggs and who was concerned in the robbery of the Custom House at Monterey[5]

[Endorsed:] Taken and filed July 7/51

Adams the Burglar

In the matter of Adams the Burglar

Information having been received of the whereabouts of said Adams Capt Garwood is ordered to detail such guard as he may direct, and accompany M^r^ Marks who gave the information, and arrest and bring said Adams into our custody to proceed tomorrow

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[4] On March 16, 1851, a robbery was committed in the office of Colonel J. D. Stevenson, former commander of the First Regiment of New York Volunteers, and William Watkins (see note 5, p. 92), was convicted of the crime, largely on the evidence of Marks, who claimed that he was trying to bring the thieves to justice, although George Adams asserted (p. 410), that the act was one of revenge for the loss of a clerical position. Marks, in the statement above, attempted to confuse Stuart with the minor rascal Briggs (see note 16, p. 228), and to mislead the Committee as to the whereabouts of Adams.

[5] See note 43, p. 244.

July 7 1851 10 OClock A. M. from the Ex^e^ Committee

[Signed] S Payran Presdt

In the matter of the Farralones[6]—we repart that Capt Wakeman has proceeded thereon

In the matter of Dalgreen Communication, [. . .]

Oaks, Garwood & Bluxome. Report of Committee on Bark Izeette

The Committee appointed to examine the Bark *"Izette"* beg to Report—

From the Harbor Master ascertained there was but one vessel in port called the *"Izette"* which upon examination proved to be a store ship, lying close in near Market S^t^ wharf—your committee examined this vessel closely as well as the ship keeper and found no appearance of a female having been there—Enquired of a respectable ship master (American) whose vessel lays close to the *"Izette"* and who has his wife and children on board who states that he had not seen a female since his vessel had been lying near the *"Izette"* on board of *this vessel,* and further that his Brig had been near the *"Izette"* for some eight months

Your committee further report of having visited the U. S. R. Cutter *"Polk"*—Cap^t^ M^c^Gowan and his officers know nothing of the matter in relation to "Yerba Buena"

San Francisco July 7^th^ 1851

Respectfully submitted

[Signed] P— Petrovits
" Geo. Oakes
" George M Garwood
" Isaac Bluxome Jr

To Executive Committee of Vigilance

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[6] Voucher No. 4, p. 771, shows that $63 was expended on a trip to the Farralones, a group of small, rocky islands about thirty-five miles outside the Golden Gate, but this is the only other allusion to the subject which occurs in the records of the Committee.

R A Lockwood, F Filford [*Tilford*] *& Edmund Randolph. July 7, 1851*

San Francisco July 7, 1851

Gentlemen

We have received with astonishment a communication through your hands purporting to be an extract from the Minutes of the proceedings of a certain association styling itself "The Vigilance Committee," in which we are requested to withdraw the suit which we have instituted in behalf of "Peter Metcalf vs F Argenti, & F A Atkinson"—We forbear to remark upon the folly, the presumption the ignorance of your own powers and of our character, and the entire disregard of the Constitution & laws, and the rights of your fellow citizens which that communication betokens. You will for our answer say to those who sent you that we need no advice, and will submit to no dictation from the Vigilance Committee, collectively or individually. And that they may rest fully assured that we will prosecute the suit of "Metcalf vs Argenti & Atkinson," and all other suits of a similar nature in which we may be employed, with the utmost of our ability, and to the end of the law[7].

We remain your Obt servts

R. A. Lockwood
F. Tilford
Edmund Randolph

To Messrs Sharron
Curtis
Bromley
&
Spence } Committee

Petition of Victor de Gray

The Petition of Victor de Grey, to the Committee of Vigilance" of San Francisco, represents that the said Victor de Grey is by birth a Frenchman but that he has resided in California, in the mines and in San Francisco about two years— That his position at home, both by birth and education has always been respectable and honorable—

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[7] See note 4, p. 216.

That in California he has always followed his fortune as he best might, always in honesty and industry and has always sustained among his acquaintances a good character and reputation in all things—

That in the last fire but one, having then returned from the mines with about one thousand Dollars which he has embarked in business—he lost his all, and was thrown upon the world homeless and pennyless—

That then he found himself glad to render some services to the family of Mr and Mrs Robinson[8] for the purpose of sustaining himself until such time as he could find work or in some way reestablish himself—

That until said fire he had known nothing of said family—

That at the last Fire he was active in rendering assistance to all in his vicinity who might need it and lost himself the last small remnant of property which he had—and is now utterly without . . .[9] or resources—

That he had engaged work before the last fire which would have remunerated him for his industry—

That upon the night when Mr and Mrs Robinson were taken before this Committee, he also was taken with violence and rudeness and was compelled, half dressed to go through the streets with members of this Committee as if he had himself been a criminal or suspected of criminality—and was kept in the rooms of this Committee for some hours, but was afterwards discharged without being arraigned or without being called upon to testify—

That by said acts he has suffered much in reputation and prospects—

That the person with whom he had engaged to labor prior to the said fire, has since, induced as your petitioner is informed and believes, by the circumstances of his said arrest refused to employ him, and he is looked upon by all who speak his language as a "suspected person" and can no longer procure work to sustain him—

That he has been advised by his friends or a portion of them to commence a suit at law against the Committee for false imprisonment, and has been advised that he might recover large damages against this Committee on said account

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[8] See note 1, p. 106.

[9] Paper torn.

But That your Petitioner is unwilling to place himself in a position to make trouble between the citizens of this country who entertain different views the one from the other, and prefers to trust entirely to the known generosity of this Committee—

He wishes to leave San Francisco for the mines—he thinks he sees in the face of every compatriot who meets him the charge of Incendryism—and as he walks through the streets he blushes to thinks that once he walked through them guarded like a criminal, and he dreads to think that his acquaintences here will write to his friends at home that he has been suspected as an Incendriary—

He therefore prays that in the first place a certificate may be given him that he was called upon simply as a Witness and that his character has sustained no injury or suspicion— And in the second place that it would please this Committee to grant him such assistance as will enable him to leave this City the scene of his first and he hopes his only disgrace and reach the mines where he may labor to recover his fortunes and his good name

Respectfully
[Signed] Victor de Grey

[Endorsed:] Mr De Lessart was appointed a committee of one to investigate the Case of Victor

In case of Hennessey. Statement of John Morris July 6–7

John Morris—Yesterday about 2 Oclk was at North Beach buying lumber. On passing Hennessey's house I saw Cabbages & Turnips I went to the door and asked him where he got them he stated he got them over the water. I asked him where, he s^d Angel Island.[10] I asked if he brought anything else from there, he seemed confused, I looked about I saw a rudder that belonged to me I asked where he got it, he said at Angel Island,

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[10] Angel Island is the largest in San Francisco Bay, and lies northeast of the city, near the shore of Marin County. Vouchers No. 4, p. 769, and No. 87, p. 794, show the expenses incurred on trips to that point.

I saw the mast of my sloop, he said he brought that from same place also an oar—I told him they were mine & that he must go with me to the Police Office, but having lost so much before I thought better to bring him before the Committee He then wanted to compromise with me but I would not agree to it—He then got a couple of neighbors to interfere. I would not admit of any temporizing & came here—I never saw him before Afterwards I heard something derogatory to his character, A man with me told me the house was marked—this man's name was Barns a tinman I know a man named Scott who came in ship with me a bad man, 5 10 in height, dark eyes pale face & thin—Hennessey confessed he took these things from Angel Island my place— My place was robbed about 6 weeks ago —of $180 of mine & $400 belonging to a man Robbins— 'Tis 2 or 3 weeks since I was on the Island—

[Signed] John Morris

Evidence of Blythe & Sweeney in the matter of Morris vs Hennessey

July 7

Rob^t^ Blyth—I know Barns—he came from the Colonies—He kept the Cottage of Content—I consider him a scoundrel. He has harboured a d—nd set of thieves—His wife & family have left him on account of his dissipation I know him to be a Gambler. keeps bad company, is a man that will encourage others to do wrong and himself a rogue, not that I know it, but believe so from the fact of his alledging others to be, I do not know him from Adam, but merely judge of the man from his conduct, he carries on the Tin business

[Signed] Robert Blythe[11]

Patrick Sweeney—concurs in the above statement Sweeney further states that he has gone into the Cottage of Content kept by Barnes, & sold him some Pickles and went to deliver them, and while waiting for the money—saw two or three men there boasting of robberies they had committed in San Francisco, do not know their names, nor do I know where to find them—one of them I believed died of Cholera

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[11] In Hennessey's statement (p. 48), he said that "Robert Blithe," the policeman, had boarded with him, and now Blythe attempted to throw discredit upon Barns, the tinman, who was quoted by Morris as a witness against Hennessey's character. Sweeney also boarded with Hennessey and it is to be suspected that all the men here mentioned were rogues together.

[Signed] P Sweeney

[Endorsed:] Filed July 7/51

TUESDAY, JULY 8, 1851

MINUTES

Minutes of General Meeting July 8 1851

Minutes of Special Meeting called together in consequence of a writ of Habeas Corpus granted by Judge Bennett of Supreme Court—in the Case of W^{m} Stephens alias Jim Stuart[1]—

On motion Mr Ja^{s} C Ward was called to the chair

On motion of Mr Hart—

Resolved That Mess Payran— Jones— & Van Bocklyn have permission to retire from Committee until to-morrow at 1 P M—

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[1] At the request of the city attorney, Frank M. Pixley, who had defended Stuart when he was on trial at Sacramento, Judge Bennett, on the morning of July 8, issued a writ, directing W. H. Jones, A. J. McDuffee, J. L. Van Bokkelen, and Stephen Payran to produce their prisoner in court. Pixley complained on the next morning that no return had been made, and the minutes show that three of the members named had been excused from attendance at the rooms in order to avoid service of the writ. The matter came up in court again on the afternoon of the 9th, when Jones, McDuffee and Van Bokkelen took oath that they had never had such control of Stuart as would have enabled them to obey the order, and Payran was "not found after diligent search." Another warrant was then issued, directing the sheriff to obtain possession of, and bring into court, the body of James Stuart, and in anticipation of this action on the part of the authorities, Stuart was removed and concealed elsewhere, while the sheriff made a search of headquarters, p. 11, MS *Statement* of Isaac Bluxome, Jr., Bancroft Library). Col. Hays reported to the court on the 10th that he had visited the rooms of the Committee, and that he found the prisoner had been removed, in a carriage, which the sheriff followed far beyond the Mission, in a vain attempt to secure his man. (*S. F. Herald*, Law Intelligence, July 10, *Alta California*, July 9, 10, 11.) No further effort was made to rescue Stuart from the hands of the Committee.

On motion of Mr Woodworth—

Resolved—That each member of this Committee take a subscription list and obtain subscribers to the amt of 30$

On motion

Resolved That Mr John S. Eagan act as Chief of Police in the place of Mr Van Bocklyne until 1 P M to-morrow

On motion adjourned

[Signed] Isaac Bluxome Jr
Secretary

Minutes of July 8/51

A meeting of the Executive Committee this 8th day of July A. D. 1851 Present W Bromley Capt Garwood A. J. Ellis J. F. Spence J. Ward Stephen Payran

Meeting called to order previous minutes read

The Correspondence received from Marysville read and ordered to be filed.

Francis L. Aud Esquire appeared in relation to the matter of the Prisoner Stephens alias Steuart, Mr Aud was of counsel for Thomas Berdue alias Steuart, and desires action on the ground that some discrepancy exists in the Evidence as to the identity of the Stuart who murdered Moore.

Mr Aud may be found at the Oriental

Resignation of R. S. Watson as a member of the Executive Committee read and accepted

Resignation of S Brannan as a member of the Executive Committee accepted [2]

Order from H. G. J. Gibson to deliver S R Church to the U. S. A. received and Prisoner delivered

W. Bromley is appointed President of the Executive Committee Pro tem

And now July 8th 1851 8. OClock P M. present Isaac Bluxome Jr Schenck Garwood Woodworth Turner Curtis Wadsworth Brindley Bromley Ward Spence Ellis Coleman

Report of Committee sent after Adams—receive further information from Marks & continue on duty.

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[2] See note 8, p. 181.

Special Session ½ past 10 oclock 8th July 1851

Present Mr Turner Schenck Bluxome Mellus Colman Wadsworth Curtis Ward Bromley Woodworth Spence Brinley Ellis

Mr S E Woodworth invited to preside.

On motion and carried, that Mr Spence, conduct the examination of Prisoner Stevens, and any question which the Com: may wish to ask Prisoner, shall be done on paper thro Mr Spence

On motion and carried— that inasmuch as Mr Austin has offered his legal service to this Com: that Mr M— be a Com: of one to return him thanks of body.[3]

Minutes of General Meeting July 8, 1851

July 8th 1851

S Woodworth in chair

Geo: R. Ward Secy P. T.

Reading of the minutes dispensed with by consent.

Motion by Mr Bond "that the heading of the Petition for the pardon of J Williams be amended by substituting the word "*Citizens*" for "*Members of the V C*" Carried

Mr Sharon's motion to explain the resolution in regard to Lockwood et als thro' the public prints Laid on table[4]

Mr. [. . .] motion to appoint a committee of 5 to draft a suitable explanation to remarks in the *Picayune* of this evening

Mr Jas Ward's announcement that the Com shd consist of all members intimate with the editors who shd explain the matter alluded to with a view that they may explain editorially. Carried

Assessment of $5 pr member pr month of July *Carried*

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[3] E. G. Austin appeared as counsel for Atkinson when the suit of Metcalf vs. Argenti et als. was tried in August, 1851.

[4] The letter from Lockwood, Tilford and Randolph, printed on p. 210, was published in one of the morning papers of July 8, and Sharon desired to have an official statement made in regard to the suit of Metcalf vs. Argenti. But the suggestion of James Ward was adopted and on July 9, the *S. F. Herald* devoted a long editorial to the matter, strongly commending the action taken by the Committee, and the *California Courier*, July 9, and the *Alta California*, July 10, expressed similar approval.

Motion that payment of the same be required within 8 days *Carried*

Motion that all members now present that have not paid their dues and fines *Carried*

Motion that Com of Appeal meet to-morrow night instead of Monday *Carried*

. . .[5]

Report of Ex Com in regard to Stewart *accepted*[6]
& resolution accompanying same *carried*

Motion that *no* member of the *Ex Com* leave the room *Carried*

Motion to instruct the Ex C to obtain a disclaimer by the prisoner of the writ of Habeas Cupus. *Carried*

Adjourned

MISCELLANEOUS PAPERS

Resignation of R. S. Watson

To the Executive Committee of the Vigilance Committee

Gentlemen Finding it, entirely, out of my power, to devote the time necessary, to make me a useful member of your Committee, I beg leave respectfully to tender my resignation, assuring you at the same time, that I am with you, heart & soul, in the good work which you have undertaken to carry out.

Yours very respectfully
[Signed] R. S. Watson

San Francisco July, 7th 1851.
[Endorsed:] accepted
Filed July 8th 1851

[*Petition for the Pardon of John Williams*]

To his Excellency John McDougal, Governor of the State of California:—

Your petitioners, members of the "Committee of Vigilance" of the City of San Francisco, would respectfully represent to your Excellency that there is now in confinement in the County prison of this County a prisoner by the name of John Williams who was tried and convicted in the month of September last on the charge of "assault with intent to kill." By the recommendation and at the request of the Sheriff of said County your petitioners have entered into an investigation of the facts connected with the charge brought against said prisoner, and have come to the unanimous conclusion that the assault therein complained of, was made strictly in self-defense, and that the prisoner is a fit subject for your Excellency's clemency.—

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[5] Paper torn.

[6] This report has not been preserved, but the undated resolution printed on p. 220 may be the one to which reference is here made.

Your petitioners would therefore humbly beg that your Excellency may see fit to extend a free pardon to the said John Williams, and that he may forthwith be discharged from custody.[7]

And your petitioners will ever pray &c

C. Marsh. intimidation by Police

"Windsor Tavern" Sansome Street 8th July 1851

To The Vigilance Committee

Gentlemen:—Having been called on last night and threatened by two of the City Police on account of my information concerning Goff, I wish to appear before your Committee again and make a further Statement, and to claim your protection from the ruffianly intimidation to which I was last night subjected.

I am Gentn.

Your obt Servt
[Signed] Chas Marsh

[Addressed:]
To The Vigilance Committee
San Francisco
[Endorsed:] 1851 San Francisco 8. July

Thos Norris. San Francisco July 8/51

San Francisco July 8th/51

To the Executive Comte

Gentlemen Having cause to leave this City since the 4th and knowing I was detailed for duty and Absence subjecting to a fine this morning I called to pay the same and found an Order refusing me admittance I asked an explanation and it was given—briefly that my conduct in the Case of Galager[8] was not pleasing to the views of some, now as to this gentlemen—I have explained in a full meeting and not a word of condemnation was given, there let it rest. And another charge was that I had said unto those who did not belong to the V. C^{om} something of their proceeding or it was thought I had This gentlemen I tell you and call God to witness that I have never divulged any thing passed in your Rooms. The ground it seems of suspicion was one evening in the Union M^{r} Cha^{s} Duane came to me and placed his arm around my neck and said to me "I understand the Vigilance Com^{m} are investigating my case" I told him he knew more than I did and I wished to see him behave like a gentleman and avoid all Quarrels, I spoke as a friend should and I believe acted in good faith and hope ever to continue a Defender of Faith, Hope, & Charity, and never shrink from Justice, even if *self* & Character *should* be assailed

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[7] John Williams was pardoned by Governor McDougal in July, 1851. California—Secretary of State, *Day and Letter Book for 1850*, p. 80.

Gentlemen Please favor me with an answer to these few lines either of Approbation or of Condemnation as early as possible and Gentlemen

I remain yours in Friendship, Love & Truth
[Signed] 236. Tho^{s} Norris

P. S. Direct your note to the care of Mr Nathaniel Gray City Sexton Sacramento St

Th. N.

[Addressed:]
To the Executive Committee of Vigilance
San Francisco

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[8] This is the only allusion in the records of the Committee to a case that came before them on the night of the fire, June 22, when Samuel Gallagher shot and killed Lewis Pollock in a fit of jealous rage over one of the women living in a house of ill-fame. The murderer was taken to the Committee rooms, detained there over night, and delivered to the authorities in the morning, as the Committee refused to take cognizance of crimes arising more from private passion than from deliberate attempts against the public safety.

The following card appeared in the papers of June 25: "It having been currently reported that Gallagher, who was arrested for shooting Pollock, was a member of the Committee of Vigilance, the Committee take this opportunity to deny that report, he never having been, in any

[July 8, 1851]

[*Resolution*]

Resolved That no member of this Committee be allowed to leave this room without the *Special* permission of the Chair, until the examination so far as is consistent with the action of the Executive Committee, report—and is concluded—and the parties known in town be arrested—

No. 114 [J. G. McKaraker]

John H Jewett Esq. Pres^t Com V of Marysville. July 6th 1851

Office of the Vigilance Committee
Marysville July 6. 1851

To the Committee of Vigilance San Francisco

Gent We are in receipt of your favors of 2d & 4th inst & in answer to your request have to state that James Stuart alias Tho^s Burdue was on Friday last found guilty of the murder of Cha^s Moore near Foster's Bar last Fall & will be sentenced to morrow by the District Judge.

Presuming Gent. your only object in securing the prisoner is his certain punishment we thus lay the facts of the case before you & further assure you that the vigilance of the civil authority is untiring & we are constantly on the alert to notice any laxity that may occur in their guard & you may rest assured that the sentence pronounced against him will be most certainly executed

In regard to your communication of the 4th inst we would say to you that although we have great confidence in your researches we still view with a jealous eye every movement calculated to create sympathy in behalf of the prisoner recently convicted—

The proof elicited upon the trial is so clear as to leave scarcely a shadow of doubt but that the prisoner is the identical James Stuart of Foster's Bar, yet if not, still, the person who committed the murder.

It is therefore the wish of our Committee that the prisoner should meet here the punishment which is due for his crimes.

In regard to the person in your possession we have no serious charges against him which would require the action of our Com-

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way, connected with said Committee.'' The name of Norris, who signed this letter, is omitted from the *Book of Names* of the sergeant-at-arms. *Papers of the San Francisco Committee of Vigilance of 1851*, I.

mittee at all events until some further developments have been made

Be assured Gent that your proffers of assistance and prompt co-operation in the cause of Justice & humanity we shall at all times & under all circumstances be happy to reciprocate

Very Respectfully
Gentlemen
[Signed] Jnº H Jewett Prsᵗ
[Signed] W Willson Smith
Secy Pro Tem

John H Jewett Esq. Presᵗ Com V of Marysville. July 6ᵗʰ 1851

office of Vigilance Committee
Marysvill July 6. 1851

To C. H. Brinley Esq
Secy Exec. Comm San Francisco

Sir Your favor of 4ᵗʰ inst recᵈ & contents noted

By the evidence produced in the trial of James Stuart last week the person in our charge stands convicted of the murder of Chaˢ Moore. Agreably to your request we will immediately notify the person designated of your wishes.

Mʳ Wᵐ Hanley, merchant, of Foster's Bar witness for the prosecution is now in your city on business & can be found at the banking house of Messrs Page Bacon & Co or of Burgoyne & Co. The acquaintance of Mʳ Hanley with J. Stuart of Foster's Bar will make him a very important witness to you & considering him a man of stern integrity & great discernment we would advise you to give *his* testimony great weight.

Will you please give us a description of the persons who were the accomplices of J. Stuart in the attack on Mʳ Jansen & who attempted to prove an alibi in that case, as we believe them to be accessory to the murder to C. Moore & have reason to think they are in our midst.

I remain Sir your
obedient Servt
[Signed] Jnº H. Jewett Presᵗ
[Signed] W Willson Smith
Secty Pro Tem

[July 8, 1851]

Copy of Letter Written by Berdue alias Stuart to John Goff

Marysville Jail July 4th 1851

Dear Sir

I have had a trial which lasted five or six days and the jury was 24 hours in deciding my fate and had they not of had a prejudice against the country I came from it might have turned out different but as it was they found me guilty and my [sentence] is death. The law allows me thirty days before the execution is put into effect. I forgot to say though I was found guilty, the jury remarked that they had doubts upon their mind but the judge said that this doubt would assist me very little I had more evidence in favor than against in fact I had the judge from Sacramento, who tried this said Stuart several times also the police man who took Stuart into custody they both swore positively that I was not Stuart and besides these men I had from 15 to 20 more who knew Stuart well and they also swore positively that I was not Stuart and moreover all of these persons were strangers to me the evidence here went to show and prove that Stuart was 2½ inches taller than me the policeman who first took me in charge for Stuart appeared against me had I of had Mrs Strytum the landlord of the house I kept and Mrs Morris and yourself it might of turned the case in my favor as this murder was perpetrated on the 7th of Occt. and you are well aware that I was in San Francisco a long time before and a long time after I have since been informed that no matter what evidence, I have the prejudice is so great against the people that comes from Sydney that had I off had these witnesses I have named it would of been worse Mrs Elliot was here to prove that I came in the same ship with her from Sydney and it so happened that there was a witness also here to prove that this same Stuart came in steam vessel from Panama with him in the same month as I came from Sydney he also swore to Stuarts height as being much taller there was several parties from Forsters bar who arrested Stuart for a robbery he did there, they also swore I was not Stuart but all of no use, and one of these persons was the judge who tried Stuart on Fosters bar twice and worked in the same company. Fletcher & Bronson I got supoenas for but they could not be found Henry Davis called upon me and promised to stop to my trial but on account of its being put off for a few days he left and I have not seen him since. understand me I dont mean to say that I had no evidence against me because I had a many that swore I was Stuart but most or all of these persons only knew Stuart slightly where those who swore I was not him all said they knew him well. I have no more to say at present touching the case. I must now ask you as a very great favor to come up and see me as soon as possible as I cannot say how soon I may be launched into Eternity innocent. when you come up please bring any letters you may have for me. My dear Sir when I ask you this favor I ask you not to delay as it will be the last time you will be able to see me and for Gods Sake and the respect you have for me dont fail as I have a deal to say respecting my poor wife & friends I have left behind I can assure you its very hard to be placed in this position but at the same time I keep up my spirits as well as I can I now say again in the name of God, do not neglect me but if possible come up as soon as you receive this

Give my respects to all my friends in San Francisco and receive the same yourself from

Yours truly but very unfortunate

Tho^{s} Berdue

Copy

P.S. I have not forgot the day I entered your house after being at the mines for Five months working hard and dirty as miners are and your boy John which is only 3 or 4 years should recognise me

[Endorsed:] Filed July 8th 1851
Attest S Payran Presd^{t}

William Stephens alias Long Jim, English Jim, alias Carlile, alias Campbell, alias Mason alias Stuart

From information rec'd by the Executive Committee they are satisfied that the prisoner Stuart will implicate and *convict* at least ten [?] persons and make a full confession of all the details and of all knowledge of the various scoundrels now in this country[9] upon this condition that he be handed over to the authorities of the County wherin he is charged with committing the crime of murder & so forth and that he will remain in our custody untill he does, this and if he fails to convict at least ten [?] persons he will remain under our control as he now is

[Signed] William Stephens

[Endorsed:] July 9th Filed 1851
Attest S Payran Presdt

In the Matter of Stephens, alias Stuart

The Executive Committee having maturely considered the case, and in the absence of the Witnesses from Marysville who are hourly expected have thought it expedient for the ends of justice to defer a report until the Testimony is completed, from the information obtained it seems necessary to continue our labors to thereby detect others who are implicated and equally heinous

The Committee would further suggest the propriety of handing this Prisoner over to the Authorities[10] of Yuba[11] for trial and execution and thereby save the life of one now under sentence of Death, and whom we are inclined to think innocent of the crime charged against him

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[9] The fact that Stuart (alias Stephens) signed this document makes it appear as a sort of contract, pledging the Committee to hand him over to the authorities if he fulfilled the terms stipulated, and in spite of the fact that it was filed on the 9th it is placed here as a necessary introduction to the subsequent confession. The text is so illegible that it is impossible to be certain whether "two" or "ten" incriminations were required, but the higher number is the more probable, and as he implicated over twenty confederates, that part of the contract was fully met. He remained silent regarding his most heinous crime, the murder of Moore, which the Committee felt was conclusively proved against him, and perhaps that accounted for the vote on July 11, that the prisoner had failed to perform his contract and was liable to the penalty of death (see p. 263).

[10] There is no record in the minutes to indicate that surrender of the prisoner was ever discussed, but this paper, in the handwriting of Stephen Payran, advocated such a course, and although it may never have been submitted to the Committee, it has particular interest in this connection. It was, evidently, prepared before F. L. Aud, witness from Marysville, gave his evidence on the 8th, and his statement, unfortunately missing from the files, may have influenced Payran to withhold his recommendation.

[11] Moore was killed at Foster's Bar in Yuba County, and he was sometimes spoken of as the sheriff of Yuba, but the editor has been unable to find that he served in that capacity, and the error, no doubt, arose from confusing his murder with another of which Stuart was falsely suspected, that of Echols, sheriff of Auburn. (See note 22, p. 231).

Although our aim is the punishment of crime, and the maintenance of Virtue, we nevertheless deem it proper and just to exercise our functions agreeably to the Laws formed by us for our good government and sustain them to the utmost of our abilities

We do not desire to screen anyone from just punishment, but would that the punishment meted out by the party or Community injured [. . .]

Confession of James Stuart July 8. 1851

Vigilance Committee Room July 8th 1851 10½ P M

Confession of James Stuart—alias English Jim—alias James Campbell alias William Stephens alias James Carlisle[12]—

My true name is James Stu[a]rt, I was born in Brighton, Sussex Co Eng—I left Eng about 16 years of age for New South Wales—I was transported for life—on a charge of forgery—I served nearly 6 years of that sentence and through the intercession of friends I received my emancipation—I went from there to South Australia Port Adelaid—I lived in Adelaid 5 years or more & then went to Calleo—I was on the Coast of South America 2 or 3 years—at last I got to Payta in the Bark *J W Coffin* and from there I went to Panama in a La[u]nch of 5 or 6 tons—I then ship'd as a hand on board Steamer *Tennessee* to San Francisco —On my arrival in San Francisco I went directly to the mines—I joined the Rock Mining Co the day I arrived there—this was at Fosters Bar I worked in the Rock Mining Co one month—I hired one John Sullivan to work for me one month[13] I then went down the river about 4 miles—and worked by my-self at mining—I worked about 2 weeks—I then went up and got John Sullivan to come down and work for me—he finished his month out here—and then I got him to work two days over his time—then we went up to Fosters Bar together—I then bought a claim and paid 300$ for it—I bought a life boat for 400$—I used it as a Ferry boat—I afterward lent this boat to a company and received half they made with her—I then went to Slate range about 8 miles higher up with Sullivan we both bought a claim for 50$ each—we worked that claim half a day—it did not pay me well enough—and I left Sullivan and went to Forsters Bar—I worked at a Race and got the River turned—I lent the Missouri Company 300$ the day the River was turned.I found the claim would not pay and left it—I then went down the River again and worked at the old place some three or four weeks—I then had a row with Col Prentiss—through that I left and went to Forsters Bar—I then with one other made a garden—I built myself a house—I did not work any more at the mines I had about 6$ per day for my boat—I had a claim I paid 300$ for—I allowed others to work it for me and received about 10 or 12 dollars pr day for it—I then went into partnership with a man named Bernard Feller in a store—I did nothing for one week or more until I got tired of doing nothing—I then commenced building a large house for boarders—I never finished the house—The Company I lent the 300$ to left and did not pay me—then a man named Dan Casey—lame—& has a brother—sold out—I bought all they had in their house—In searching this house I found a trunk—the trunk was open but full of clothes—I considered I had a right to them—as I bought all there was in the house—and took them—I wore these clothes while I was there—One night afterwards I went up to Mr Dodges house and played at Monte—I lost about 200$ that night—and I thought I was cheated out of it and I determined I would be even with him for it—so I stopped that night in a tent and saw him put his money in a large chest—I waited until all were asleep—then went in and took away the Chest—On opening it I found I had about 4300$—there were two specimens in it—one weighed 98 oz worth 1568$. the other piece was worth 723$. the balance was in dust and about 600$. in silver—I took all of this and secreted most of it in my garden—I then went to work as usual and worked about 10 days and was then apprehended for stealing this trunk of Clothes formerly spoken of—I was admitted to bail for the sum of 500$.—I deposited the money myself—3 days afterwards I was taken up on charge of stealing of Dodge & Co 4300$ for this I was committed at Marysville—the mob this night wanted to hang me—the Judge swore in about 60 men to protect me—next morning Mr Dodge came to me and said he would let me go if I would give him the money—I told him I would give him the money and gave it to him—I was afterwards told it was all there except 150$. I told him if it was not all there I must have lost part of it—I remained with the Sheriff till after dinner—we then called an auction and sold off the things except the boat which I gave to a friend of mine—the things brought about 1750.$ The Sheriff Edward Burr kept the money—at night he went out nominally to collect the money—the Cook came to me & told me if he were in my place he would go—I could not well go without my money—but still he advised me to go—I did think & still do think that Sheriff E Burr told the Cook to give that advice—I have never received the money from him—I went away —I went about 3 miles that night & stole a mare next night I arrived at Sacramento—I sold the Mare next day—I do not know to whom it belonged—I remained in Sacramento about 2 weeks—I got acquainted with three Americans & one Sydney man—who lived by stealing horses & I sold them for them—The names of the men were Dab[14]— James Peet & John Griffith

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[12] This confession not only served as Stuart's death-warrant, but it gave the Committee a clue to the group of Sydney convicts of whom he was the leader. Stuart named twenty-six accomplices. Eleven of these received little or no further attention from the Committee (Pett, Griffith, Jerry Brown, Jim Brown, George Smith, John Jones, Nelson, McCormac, Kitchen and the policemen McIntyre and McCarty.) Seven (Edwards, Morgan, Big Brummy, Kay, Briggs, Hughes, and Osman), were pursued in vain, but all except Brummy evidently left the state in fear of the consequences of this disclosure. One woman and seven men were apprehended (Mrs. Hogan, Dab, Jimmy from Town, Whittaker, Adams, McKenzie, Michael Hogan, and Quick). Of these, Whittaker and McKenzie were hung, Quick was banished, and Adams and Jimmy from Town were turned over to the authorities. Other criminals were traced through the statements of these prisoners, and the Stuart gang was thus effectually broken up. The relative importance of those mentioned may be judged from the footnotes which follow.

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[13] John Sullivan, V. C. No. 269 (see note 2, p. 30).

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[14] This was a man named Elleard, alias Dab. The *S. F. Herald*, July 18, said that Brannan arrested him on the Sacramento steamer the previous day, but a report of Van Bokkelen, July 18, stated that he had been handed over to the Committee by Charles Miller and two gentlemen from Marysville. On the night of the 18th, Brannan effected his release from headquarters, by pushing him forcibly past the guard at the door (p. 294), an act which created great indignation, and for which no explanation can be found in the records of the Committee.

[July 8, 1851]

the last man was afterwards drowned—The Cholera Morbus broke out in Sacramento[15]—A Boy—name unknown—told us that there was a Brig with considerable money on board—about 20 000$ we went on board and found about 1200$—John Edwards[16]—Jerry Brown—John Griffiths & self were concerned —We then came to San Francisco—John Edwards told us there was a vessel here with considerable money on board—Jim Burns Alias Jimmey from town[17] came down with us—Jimmey robbed a Spaniard of about 30 oz when we were coming down from Sacramento City—we divided the money between us—The same night by information of Edwards we went on Board the *James Caskie* and robbed her—we had hard fighting—the Capt became desperate—we left him nearly dead—in the fight the Capts wife came out with a sword—I took it from her—I acted as Capt of our boys—we were all masked I left my men in charge of the Capt while I searched the vessel—Capts wife gave me what money there was on board—I asked her if there were any arms on board—she gave me one of Adams large 6 shooters—I gave the money and Pistol to one of the men—I do not recollect which—Capts wife begged of me not to take the Capts life—

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[15] There was a short epidemic of cholera in California in the autumn of 1850. Peter H. Burnett estimated that the death rate was five per cent of the population in San Francisco, ten per cent in San Jose, and about fifteen per cent in Sacramento (*Recollections*, 1880, p. 376). Oliver B. Crary said (p. 2, MS *Statement*, Bancroft Library) that the highest rate, in Sacramento, was sixty-three deaths, in twenty-four hours, out of a population of five thousand.

[16] John Edwards (see also p. 73), John Morris Morgan, alias Old Jack, Jim Briggs, and Richard Osman, all of whom were named by Stuart, succeeded in evading arrest by the Committee, Edwards and Osman leaving town the day after this confession was published (p. 279). A futile attempt was made to capture them at Mazatlan in consequence of a rumor that they had sailed from San Diego on a Panama steamer (p. 500), and another, when it was supposed that they had returned to the vicinity of San Francisco (p. 679). The *S. F. Herald*, Oct. 17, stated that they had left the country, on a vessel bound for Australia, and had carried rich plunder away with them.

[17] James Burns, alias Jimmy or Jemmy from Town, was a prominent member of Stuart's gang. He was arrested by the Committee on July 16 at Marysville, and in his confession (p. 317), he admitted his connection with several criminal affairs, but the Committee refrained from extreme measures in his case, and delivered him to the authorities, from whom he had recently escaped, to stand trial on an old charge of stealing a trunk of clothes from a Mr. Breed, on May 22. He was convicted and sentenced to ten years' imprisonment. *S. F. Herald*, July 18, and July 24 to August 1.

I told her I did not want to do that if he would only be quiet—I then looked into the Cabin and saw a splendid Gold Chronometer Watch—she begged of me not to take it as it was a gift from her Mother—I told her those being the circumstances I would not take it—the rest of my Company kicked up a row with me for not taking it—I told them they had made me master and I would act as such—I tied the Capt—I then told her not to speak a word for two hours as I should not leave the vessel before that time—I also tied a Boy on board—then went on shore—we looked at the money and found only 170$ instead of 15000.$ as we supposed—I should have stated before that Capts wife told me that all the money had been sent in the Steamer before we came on board The following were engaged with me John Edwards—Jim Brown—George Smith I remained in San Francisco 5 or 6 days—I tried to rob the Store of Grayson Guild & Co—I stowed away there all one night—but effected nothing—the safe was too heavy—

I then went to Sacramento by myself—left all the others here—I lived at a house kept by Mr Moore in L Street—I played cards most of the time—I sold a few mules and Horses for the Horse thieves under the name of Campbell—Moore who kept the house died and I bought out his wife for 150$—all the things stole in Sacramento City were brought to this house—and I took care of them—The name of my boarders were John Jones—John Griffith—W^m^ Nelson a boy of about 17 or 18 years of age—Old Jack[18]—these were all thieves—after a few days John Griffiths was taken for picking a mans pocket of some 800$—On monday morning is committed to take his trial before Recorder Washington—he was allowed bail in 1500$—Straw bail was refused so I hired a team & loaded it with stolen goods and started for Mormon Island & Salmon Falls—I sold all the goods at Mormon Island & Salmon Falls and went to Sacramento City—I went to the Sheriff & got a pass to go and see Griffiths—when I went on board the Brig[19] they told me he was drowned the night before

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[18] See note 16, p. 228.

[19] In the spring of 1850 the bark *La Grange* was bought by the Sacramento officials to serve as a jail, pending the erection of a court house. The latter was completed December 24, 1851. *History of Sacramento County*, Thompson and West, publishers, Oakland, 1880, p. 88.

[July 8, 1851]

trying to escape with his irons—While I was gone to the mines some one robbed my house—I did not think it worth while to open another—so I went to live by the side of the burying ground—A few days after I was arrested for house breaking I employed Mr Frank Pixley[20]—he got me out of the scrape by the false swearing of Old Jack—He agreed to get me out of the scrape for 20$ but afterwards told me I must give him 50$ more—which I did—I told Mr Pixley I was guilty of house breaking—About one week or 10 days afterward I was arrested for breaking into the house of Mr Smith who kept a lumber yard—I was nearly shot there—one shot went through my hat—I was taken and committed on board the Brig for trial—I forgot to state that previous to this I robbed a house corner of Front & K St—a clothing store—I got about 800$ worth of property—no money—Mat Hopwood—a Sydney man—alias Big Brummey[21]—was with me at this house—About two days after I was on the Brig I again employed Mr F Pixley and Paid him 50$—and also paid Mr Pixley 50$ for Big Brummey who had been robbing a woman—2 days after a Constable came down from Auborn and identified me as the man who shot the Sheriff at Auborn[22]—two or three hours another Constable came on board from Forsters Bar and recognized me as the man who had committed a murder near Forsters Bar—they go on shore to the office of Judge Sacket—Judge Sackett gave an officer a warrant to bring me on shore—I was taken to the office of Judge Sacket on J Street—Mr Pixley appeared for me and would not allow the Judge to examine me—I was again sent on board the Brig & Judge Sacket [gave] an order to the Sheriff to take my body to Marysville—The Sheriff came for me the next morning—When he came Mr Frank M Pixley told him his warrant was not good or legal and he could not have me—and he had to get another—I then gave Mr Frank M Pixley 600$, in gold dust and an order for 130$. which he told me he received and would pay me on the next day—the same night I made my escape from the Brig—I walked that day half way to dry Creek—half way to Stockton—the next day I disguised myself as well as I could—got on a steamboat and came to San Francisco—

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[20] The following statement from Pixley apeared in the San Francisco papers July 15:

"Mr. Editor:—The statement of James Stuart concerning myself being true in part and false in part, I desire to state for the satisfaction of my friends, the facts. The first time I ever saw James Stuart, I defended him for the larceny of a trunk from a dwelling house in Sacramento. On that trial he proved that he purchased the trunk, and was discharged. This he says was false testimony, and as his confession is written, it seems to convey the idea that I knew it to have been so, and he says that he told me of his guilt. I say that I did not know his witness swore false, neither did he tell me of his guilt, nor did I at that time believe him guilty of the offence. He was again arrested for a burglary, confessed to me that he was guilty, and I swore no witness for his defence, but permitted him to be bound over to take his trial at the District Court. While in the prison brig and awaiting his trial, several parties came from Marysville to arrest him for murder. They were not officers, nor did they have a legal warrant. I opposed his removal, as I had good reason then to believe he would have been delivered over to a mob to be executed; and I then opposed, as I always have and always will, the assumption of such powers by any other than the legally constituted authorities. In expectation of going to Marysville to defend him, I charged him a fee of five hundred dollars, which I weighed from a bag and sent the balance to him on board the prison brig. If anything in his statement, or from any other source, convey the idea, by implication or otherwise, that in this or in any other case, I have ever acted otherwise than honorably, and within the spirit of my professional duties, then such statement is false and untrue."

Pixley was about twenty-five years old at this time and had been elected city attorney of San Francisco in April, 1851. In 1861 he was chosen attorney-general of California, and he was, for some years, an important Republican leader in state and national politics. He was equally well known as the founder of the San Francisco *Argonaut*.

[21] A prisoner named Ainsworth is called "Big Brummy" in the ex

I then lived in Sydney Valley (this was in December last) at the house of Mr Edwards—I went out at night—not often through the day—(Mr Edwards did not know that I had escaped from any place) I went to the Port Philip house corner Jackson & Gold St . . .[23] where I believe Mr Jansen

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dorsement upon his evidence (p. 314), but he denied the alias, and there is no other reason to think that the real Hapwood ever came into the hands of the Committee.

[22] On June 2, 1850, Sheriff Echols, of Auburn (then in Yuba County), was killed by two brothers, Samuel H. and William Stewart. Through the carelessness, or the connivance of the authorities, both men escaped, and at the time of the excitement over Berdue's trial, this crime was sometimes attributed to James Stuart, and sometimes confused with a murder of which he was guilty, that of Charles Moore, of Foster's Bar, who is occasionally spoken of as Sheriff Moore. An article in the *Sacramento Transcript*, August 30, 1850, gave full particulars of Echols' murder, and brief paragraphs on the same subject are found in the *Alta California*, February 24, 1851, and the *S. F. Picayune*, March 1, 1851.

[23] The first notes of Stuart's confession were rewritten for publication with some slight revision for the sake of clearness and smoothness of

live[d] next door to at the time—the first thing Whitaker[24] got information of about 8000. or 9000$. in a meat market on Broadway near the foot of [. . .] st—I—John Edwards—Whitaker George Adams[25]—we took the safe out of the window and could get it no further—the next thing was Chas Minturns safe Belcher Kay gave us the information[26]—Kay had gone about 2 or 3 days before hand to ascertain what money there was—he was Port Warden at the time—I—John Edwards—Edward Mc Cormick—or Teddy—Saml Whitaker—Geo Adams—Belcher Kay Bob McKenzie[27] were in this scrape—We took a boat a set of shears—a Feather Bed—Augers—saws and all such tools to cut away with—and we all went well armed—we got

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expression. A portion of such a corrected copy has been preserved in the files, and it has been followed up to this point, but the statement is continued from the rough draft.

[24] Samuel Whittaker shared with Stuart the leadership of the Sydney criminals, and the Committee spent much time and money in a vain effort to capture him. Meanwhile he made his way to the south, where he was apprehended August 8, by the sheriff of Santa Barbara County. The latter took him to San Francisco, intending to deliver him to the authorities there, but the Vigilance Committee obtained possession of him first (p. 454). His confession (pp. 468–487), acknowledged his participation in many crimes, and he was sentenced to die on the 20th of August, but was removed by force from the rooms of the Committee, owing to the intervention of Governor McDougal (p. 528). The Committee recovered him from the county jail and hung him on the 24th.

[25] George Adams, alias William Wilson, had escaped from the authorities, after being indicted for a robbery of Colonel Stevenson's office on March 16. After several unsuccessful efforts, the Committee captured him, July 18, in a tent on the American River. He was detained at headquarters for examination until August 5, then delivered to the authorities, and tried in the Court of Sessions on the charges of burglary and grand larceny. He pled guilty to the former, and was convicted of the latter offence, and was sentenced to ten years' imprisonment on each count. *S. F. Herald*, July 21, Aug. 7, 26–30, Sept. 3, '51.

[26] T. Belcher Kay had already been suspected of complicity with criminals (p. 32). After this confession was published he hastily left for Sacramento, where he was arrested by a member of the Committee, but allowed to go at large under promise that he would accompany his captor without the use of force. He immediately returned, secretly, to San Francisco, and gave himself up to the authorities, in order to evade trial by the Committee. When he was discharged, for want of indictment, he succeeded in escaping, unnoticed, on a steamer bound for Panama. *S. F. Herald*, July 17, 21, August 2.

[27] Robert McKenzie, or Kinney, was captured in Sacramento, July 29, and his trial was held in conjunction with that of Whittaker. Like his companion, he, also, made a confession (pp. 463–467), was condemned to die, was seized by the authorities, recaptured by the Committee and executed on August 24.

inside and moved the desks—and the safe about one foot or so—and made a few auger holes in the floor—some one came to the door at this time and we had to run—M^{c}Kenzie gave the wrong signal or we should not have stood for one man—we jumped out of the window and swam on shore every one for himself—and made the best use of our legs—The next place was one that Belcher Kay had examined and reported there was about 20000. or 30000.$ worth of Jewelry—I, and Edwards went up stairs and thought it could not be done—as there were several in the lower story—we would not mind one or so up stairs—we could soon stop them—Belcher Kay was with me—The next thing was one Belcher Kay discovered viz Macondray & Cos he told us there was three safes and one vault—and plenty of money—when it came the night to do it one or two backed out and we gave it up—The night after Mr Whitaker told us of Mr Jansens[28] place—he told us that he saw Mr Jansen move about 10000. to 15000.$ we agreed to go and get it—I with—Jim Briggs[29]—John Morris Morgan—Sam^l Whitaker—Edward M^c Cormick alias Teddy—Billy Hughes—Belcher Kay—John Edwards The above were all with us at Macondray & Co & Jansen Morgan & Briggs had been with us about 10 days—the rest had been with us for a long time—Morgan went in Mr Jansens store first we saw him go up—Whitaker & self stood at the window while he went in—I thought he was too long—and so went in to help him—I got about half way up when I heard Mr Jansen asked Morgan—What he wanted there Morgan told him he wanted some Blankets he turned around and saw me—I told him I also wanted Blankets—he stepped about 2 yards to show me some Blankets—(I forgot to state we had cloaks on as a disguise) I hit him on the head with a slung shot and knocked him down I then left Morgan to take charge of him while I searched the store for money—I looked about and opened a desk and took out a Shot Bag cont'g money—we then went out and went home with the money—I carried the money all the way I then counted out the money found 1586.$ in gold coin—I divided it into eights making 196$ ea we then came down town

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[28] For the Jansen robbery, see note 4, p. 137.

[29] See note 16, p. 228.

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as usual as though nothing was the matter—and went to Mrs Hogans[30]—stop'd there 2 or 3 hours and then went home—The next day there was considerable fuss about it—we did not intend to do anything more until the parties arrested (Stuart and Windred) got clear of the scrape, as we did not wish to see them hung, as they had nothing to do with it—we all agreed on Sunday night that if they hung them to burn the town down—

The next night we agreed to rob Beebees & Ludlows & Co Bank—the same party of eight with the assistance of Rob M^{c}Intire & Andy M^{c}Carty[31]—Police Officers—these Police told us any time we were ready to do it they would take away the Police on station away—The same Police Officers came here to recognize me but did not know me—we tried it two night—had a key to unlock the outside door—we watched two days and thought there was not money enough as we saw the Porter go to Mess Argentis & Co in the morning and bring the money from there—and return it at night The next night we went to Mr Youngs Bank next the El Dorado—we got good information from Morris Morgan about the vault, he help build it, we went down the steps of El Dorado and with forced keys we opened the door —we went in & found two beds in the place—we found it would take too long as these people slept in the lower floor of the El

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[30] Michal Hogan and his wife Mary Ann kept a boarding house frequented by Stuart and his friends. They were brought to headquarters a day or two after this mention of their names, but gave no information of importance. After Stuart's execution Mrs. Hogan attempted to leave California on the *Cameo*, but the Committee removed her from the vessel and detained her, for a short time, as a valuable witness. (*S. F. Herald*, July 21.) She was soon released, but watched in the hope that she might furnish a clue to the whereabouts of Whittaker, with whom she was known to be intimate (p. 363), and the *Herald* attributed his final capture to an effort on his part to join her at San Diego. She was again a prisoner of the Committee during his trial, and detained until she had heard and corroborated his confession, then discharged with the recommendation that she be sent out of the country (see also pp. 488, 501).

[31] McIntyre and McCarty disclaimed any connection with the Sydney criminals (p. 305), but they were frequently implicated in other statements and confessions, and since they refused to recognize Stuart when called to headquarters (p. 176), their complicity may fairly be inferred. They appealed to the public through the press and the *S. F. Herald*, July 19, printed their communication, and acknowledged the good character previously born by McIntyre, but asserted that the disordered condition of the city had made the people look with distrust upon the entire police force.

Dorado Belcher Kay and the same party were with us Next night we got a small safe from Emerson & Dunbars only about 24$ in it—Next night we went Lawyer Whittemores[32] and got a safe we took the safe up in the sand hills and was discovered in breaking it open Morris Morgan & Jim Briggs were taken in this scrape—we lost all our tools by this operation—tools worth about 500$—

We went to Mrs Hogans except Billy Hughes I did not like to see t[w]o men go to Police Office I wanted the rest to go with me and take them out by force—they would not do it—they thought Lawyer Parbut would get them out in the morning—Morgan was acquitted next day. Next day I left for Gold bluffs in scr. *"B. L. Allen"* 27 days passage First man I saw at the bluff was B B M^c^Kinsley[33] *"Dab"* (the horse thief) and James Peet. Came down from Oregon—Peet said that he and Dab had taken some 60 head of horses from Sac. Valley to Oregon and sold them. played cards with Dab and won some $300—came back and paid passage for Dab & Peet to keep them quiet. "Dab" threatened me and I gave him $50.—Went to Kitchen[34] and got him to send a boat for my things on board of Schr—"Dab" had me arrested as I was going to Sydney Valey—drew on policeman and then gave him $100—Stop'd that night at Kitchens—saw Mrs Hogan—She said there was a warrant for Whittaker and long Charley for robbery of some $1600—Thought it unsafe to stay in her house—Went to a stable to hire a horse and rode to Monterey (*"Carlisle"*)—my name at this time. I was anxious to arrive in time for the trial of the parties concerned in the robbery of the Custom House—All my things are now at Kitchen's—Went and saw the prisoners as soon as I arrived there—Second night after my arrival my horse was stolen—Dick Osman[35] was first put on trial [36]—*Parbut* was his

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[32] "Gladwin and Whitmore"; Stuart's confession as printed in the *S. F. Herald*, July 18.

[33] "Bob McKenzie"; *ibid.*

[34] Kitchen who was mentioned in Stuart's first statement (p. 139), was a boatman and often helped the Sydney men in their criminal transactions.

[35] See note 16, p. 228.

[36] The confession is so obscure at this point that the following paragraph is reprinted from the *S. F. Herald*, July 18: "We all knew the

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counsell I apd. as witness name "*Carlisle—Whittaker* also apd. Kitchen arr'd next morning and also appeared—Counsell for prosecution Weller Botts & Wallace—for prisoners Parbut. Merritt M^c Donald Sheriff Roach recd a gold watch and $700 in Cash[37] juryman Morrisson also recd $100.—Dennis M^{c}Carthy also recd $100. for false swearing—Stated to me that he had a

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parties were guilty. Although they took thirteen thousand dollars down from San Francisco all that was robbed was eight thousand dollars, though Randall said he had lost thirty thousand dollars. The fact is that Parburt, McDonald and Judge Merritt were counsel for prisoners, and Col. Weller, Butts and Wallace for prosecution—there was a great deal of swearing falsely and bribery. The Sheriff of Monterey received $700 and a gold watch for packing the jury and other services; and Morrison, a juryman, received $100 from the prisoners, which was paid after the trial. Dennis McCarthy was constable. He received $100 for false swearing from prisoners. He first swore for prosecution and swore back in favor of prisoners. The judge knew nothing about it. Jim Carson, a juryman, held out for guilty. He was bribed by the prosecution. All the money was taken from the prisoners; the court charges, amounting to one thousand dollars, was first taken out, and the balance of thirteen thousand dollars, say twelve thousand dollars, was equally divided between the prisoners' and prosecuting counsel. The prisoners then paid their own lawyers. Randall got one-half and the prisoners the other half of the twelve thousand dollars. Morgan, Tom Quick and Ryan were in jail, but Osman was tried and consented to the division. Parburt told me to let the prisoners out of jail, and I broke the door down and let them out."

The Custom House at Monterey was robbed of some $14,000 on December 8, 1850, most of it being the private property of Dr. Randall, the collector (*Alta California*, Dec. 19, 1850). Osman, Ryan, Briggs and Morgan were arrested for the crime and about that amount of money was taken from their possession, although legal proof of their guilt was so inadequate that criminal conviction was considered unlikely. To prevent the accused from regaining the money, by a civil suit instituted in their behalf, Dr. Randall began a civil suit to obtain it, and after the disagreement of the jury in the criminal suit (described by Stuart), the two civil suits were compromised, by an equal division of the contested fund between Randall and the prisoners, after costs of $800 had been deducted. This account is from an article in the *S. F. Herald*, July 16, 1851, signed by J. B. Weller, one of the counsel in the case. He corrected the lawyers' names as printed on the 12th, giving Parbut, McDowell and Judge Merritt, for the defendants, and Weller, Butts and Wallace, for the prosecution, and he indignantly refuted the insinuation that W. T. Wallace, the district attorney, acted in any dishonorable manner in the conduct of the trial.

[37] The friends of Sheriff Roach made a vigorous protest against these charges. The *S. F. Herald*, July 30, published resolutions adopted at a meeting of citizens held at Monterey on the 24th which expressed the utmost confidence in Roach's honesty and characterized Stuart's statement as criminally and maliciously false, and the *Alta California*, July 19, printed a letter from the mayor, P. A. Roach (no relation of the sheriff) which gave some details of the trial, upheld Roach's integrity in the fulfillment of his duty, and asked the citizens of San Francisco "not to believe a felon's accusation against an honest man until some better proof be obtained."

promise of $2000—from each party—and swore both ways recd one hundred dollars—Jim Carsons held out for guilty and *the Eleven others* for [*not*] *guilty*. Abt $13000 for the whole amt recovered—$1000. for expences of the Court and the balance divided between persons who paid their lawyers fees—Randall got the half of the 12 thousand Dolls. Morgan Tom Quick[38] & Ryan were in jail at the time of the trial—Parbut told me to go down and let them out of jail—went down and *busted* the jail open—Went to the Southern Mines after seeing all friends off and walked to Mission of San Juan. then took stage for San Jose

From San Jose *found* a tidy horse and started for the mines—got surrounded by some Mexicans near the Joaquin and had my horse taken from me—Went back some eleven or twelve miles to Livermore's Pass—gave them my watch & chain for my liberty and started for Sonora—Went to Sullivans and worked abt one week—Then went to Mariposa worked nearly 3 wks there—Met 2 men who knew me did not feel safe to stay where I was known—Came down to San Francisco. Arrived on Tuesday night—found Kitchen at the *El Dorado* Then went to where K. formerly lived—Next morning went to Mission—to meet a cousin—saw him there—Wanted to rob an old Spaniard—dont know his name—Cousin calls himself Stephens—Same one recognized by Mr Ellis & Mr Brinley—Did not know where the money was kept—went in and looked at the safe.—told him I would Come and find some one and see him again was arrested *doing nothing*[39]

Str Starr—Some time in Jany or Feby—Rode down with Smith from San Francisco to San José and Santa Clara for the purpose of getting the gold and silver from the Churches Could not find any golden images tho I attended Mass regularly—Left embarcadero soon for San Francisco—Boat got stuck on the bar All hands called into the cabin to be searched—took my

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[38] Thomas Quick, alias Turner or Tanner, was, in August, arrested by the Committee, on suspicion of complicity in the robbery of Robert's jewelry store (p. 31), and after examination he was ordered to leave California, at his own expense.

[39] Stuart was entirely innocent of the petty robbery for which he was finally arrested, on July 1.

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dust and that of one other passenger—money stolen I know nothing of [40]—

Self Jno. Edwards. Teddy M^{c} Cormick went on board Str "*Starr*" opened the window and also the desk and took some $250—

Questions Presented for Stuart's Examination

Did you not steal a Safe from Emerson & Dunbars Store in Sansome St. near Central Wharf in February last?—

Did you know Jenkins? —Burdue? —Watkins? —Lewis? Windred?

Do you know Thos Burns, Tom Scott, Hetherington, Alex Wright, Morris, Hennessey,—Lavers, Mrs White, Mr & Mrs Connelly, Barnes the tinman

What house did you go to when you landed with the plunder from the Brig *James Caskie.*—

What date was it?

What were the names of the parties for whom you sold horses at Sac City.—

How did Moore die, who kept the house at Sac City,—What was his first name?—

What date did you leave Sac City with the load of stolen goods for Mormon Island?—

What is Old Jacks name, and where is he at the present time?— Where is Edwards?— Was it in the *night time* when you broke into Mr Smiths Lumber Yard.—

Describe the man Hopkins.—

Do you know Lacy

Were you connected with a burglary on Broadway in this city, about six weeks since. Jno Wilson

Do you know anything about a trunk being stolen from a House near the corner of Broadway & Mason in Dec last Marked A— T— L.—

Do you know anything about a Robbery at the Liquor Store of Mr Maynard & Co in the Brick Building.—on Washington S^{t} below Montgomery

To whom did you give your boat at Fosters Bar? Were you guilty of the murder of Chas Moore— and did you shoot at the Sheriff of Auburn—

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[40] See pp. 188–193.

What name did you go by when under arrest at Sac City, at the time you paid Pixley $600—and in what name did you give the order for the $130—

Was Hughes & Hunt connected with the Co at Fosters Bar?—

What was the date of arrival at Fosters Bar?

What was the name of the man you employed to work in your stead at Fosters Bar?—

Have you told us of all the crime committed by you while at Fosters Bar?—

Are you a married man?—

If so where is your wife?—

What was the character of house kept by Dodge or Dodge & Co? at Fosters Bar?

What was the name of the Cook at the El Dorado at Fosters Bar?—

What were the names of the three Americans and the Sydney man whose business was horse stealing at Fosters Bar?—

Did you know an American Horse thief by the name of "Otis" "Hall" or "Hill," he spoke Spanish very well, and used to be a partner of "Fisher" from Monterey, who had a Monte Bank in the Mines?— Did you not hear that this man was arrested in Monterey and was to be "hung" but "Watkins" and others broke him out of the Calaboose[41]

Tell me if "Ryan" in Monterey was in that Job, of the "Custom House" robbing,— Did you know "Osman" who was in that affair,

Do you know "Davis" the "Jew" in Monterey did you know him in the Colonies

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[41] Otis, alias Wood, a notorious horse thief, had been sentenced to death by a "peoples' court" in Monterey April 16, 1851. The sheriff rescued him on the way to execution and placed him in jail, from which he promptly escaped. He was rearrested, in Los Angeles, July 28, and sent under guard to Monterey, where he was sentenced to four years' imprisonment. The *S. F. Herald*, August 16, reported that he had been taken from prison and hung by a Vigilance Committee, but two days later the same paper stated that he had been found murdered in his cell by unknown assassins.

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Was not the man John Edwards, known as "*Tom* Edwards," a man with reddish beard?—

Did you not rob a Jewellers Store in Levee St—Sac City?

What was the amount of money stolen from the Brig "*James Caskie*"

What was the date of your escape from Sac City.

Did you use to wear a Serape & Calceneros when coming out at night while living in Sydney Valley?—

How long have you known Belcher Kay?— Did you know him in the Colonies?—

Was Belcher Kay inside of Minturns Office? Where was you boarding at the time of the entrance into Minturns office—where did the rest board? Where you concerned in the robbery of a safe from the store of Gladwin & Whitmore on California Street—

What is the name of house kept by Mrs Hogan—

Was Morgan not known by the name of Morris.— What plot was it you referred to on the part of the Sydney men, and who are the parties implicated?—

What became of Adams after Minturns robbery—

Do you know by what means Adams & the other prisoners got out of the Station house?—

Do you Know who makes Burglars tools here?

Did you make the proposition to Mc Carty & Mc Intire, or did they propose to you to assist you in your robberies

What was the name of Kitchen's house?—

What is Dabs name?—

At what time was it you came up from San Jose in the Steamer "*New Star*"—Did you steal the Gold Dust

At what time did you return from Trinidad

Is Kitchen a printer, and is he now in Town

What became of the money which was stolen from the *Custom House*, as you say the money taken from prisoners was carried by them to Monterey—

[The answers to the foregoing questions are not found in the files of the Committee, but they were published with Stuart's confession, in the daily papers. The following reprint is from the *S. F. Herald*, July 18:]

Cross-examination.—Knew Jenkins; knew Windred; thinks he is gone out of the country; know Adams; does not know where he is now; know Nelson and Wilson, horse-thieves in Sacramento City, when I landed from the *J. Kaskie,* went to Edwards' house; John Edwards has red whiskers; is an Englishman; broke into Smith's lumber-yard about 8 o'clock at night; Jemmy-from-town stole a trunk from Mr. A. J. Ellis' house; Jemmy-from-town robbed Dow's safe, and blew it up with powder; gave Pixley an order for my money in the name of James Campbell; arrived at Foster's bar about the middle of April; hired Sullivan, Hunt and Hews to work at Foster's Bar; never committed more crimes at Foster's Bar than I have stated; Dodge & Co. kept a gambling house at Foster's Bar; names of three Americans and one Sydney man, horse thieves, Dabb, Peet and another man, name forgotten; think I knew of every robbery committed in Sacramento, when I was there; have worn a serape and rode on horseback in San Francisco; I generally board at Edwards' house; some of my friends have boarded at the Port Phillip House; John Morgan is known here as John Morris and lives with Briggs; is 50 years old, large, stout fellow, and weighs 15 stone. Have heard hundreds remark here that the day would soon come when this country would be taken by the Sydney people. We have had an understanding with police officers McIntyre and McCarty for a long time; they were concerned with us in the robbery of Young's Bank, next to the El Dorado. Don't know who makes burglars' tools; Briggs makes some. Knew Otis, a horse thief, saw him arrested and saw him on trial.—Knew Pico; did not know Fisher or Hill or Hull at Monterey. Ryan was the only one who robbed the Monterey Custom House that reaped any benefit. I gave Pixley an order for $113 on Lowe; lives on Front street, Sacramento City; has a bow window in it; very pretty house.—Money stolen from Jansen was divided in Edward's house, near Clark's Point. A quarrel between Belcher Kay and Whittaker was caused because they did not equally divide the money. We should certainly have fired the town in three or four places, had the men arrested for striking Jensen been hung. The men who committed the jewelry robbery here, were George Adams and

Teddy McCormick. I have been to Angel Island; generally stop at Daniel Wilder's house; think there are no robbers there. Mrs. Hogan's house is a crib for stolen property; she wears my daguerreotype; she knows all about our motions. Mr. Hogan is innocent.

[*Stuart, alias Campbell, in account with F. M. Pixley*]

San Francisco July 8–51

$500—00

At Sight

Please Pay to my own Order the Sum of five Hundred Dollars and Charge the Same to my account

your Obedient Servant

[Signed] James Campbell

To F M Pixley Esq
San francisco Cal

To Mr Pixley in a/c with James Campbell

To this acct pd you	$730—	
By Professional Services		$230.00
" Balance Due to me		500.00
	$730.00	$730.00

E & O E

San Francisco July 8–51

[Signed] James Campbell

To Bal^{ce} Brot Down	$500.00

[Endorsed:] James Campbell

Hetherington's Statement[42]

Boarded with Mr & Mrs Hogan—Hogan went to the mines, asked me to take charge of the House until he ret^d—saw the prisoner Stevens at the House, for the first time, a few days before the Jansen affair & several times after, M^{rs} Hogan told me his name was Jim Stewart or English Jim—His constant companions were [Belcher Kay] Jim Briggs & Whitaker all of whom used to hang 'round the House. Whitaker rem^{d} there ever since until the 30th June or 1st day of July when Mr Hogan returned. Whitaker then left—I believe Whitaker to be the smartest thief of the whole gang he is 5. f. 6 or 7 in high—round built & when stripped is rather round shouldered, rather good looking would say he is rather inclined to a fair complexion hair the same color as that of M^{r} Spence to the best of my knowledge, but should recognize him.—always dresses neatly—since a row occurred at the House of Mr. Hogan three weeks after the Jansen affair I understand [Belcher Kay] and he had a falling out and since then I have not seen them together

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[42] The statements of Hetherington were exceedingly valuable in identifying "Stevens" with Stuart, the assailant of Jansen and the murderer of Charles Moore. In spite of the intimacy of this witness with the most notorious Sydney convicts, he seems never to have fallen under the suspicion of the Committee of Vigilance of 1851, but it is probable that he was the same Joseph Hetherington, of San Francisco, who killed Dr. John Baldwin, August, 1853, and who was hung by the Vigilance Committee of 1856 for shooting Dr. Andrew Randall. The *Alta California*, July 25,

Have not seen Jim Briggs for six weeks

When Whitaker first came to the House my Partner Mr. Davis & my self and a young man named Jackson, a printer, refused to eat at the same table with any of the company then in the House—M^{rs} Hogan took me one day into the dining room & asked me why I was so shy with Whitaker. I replied that Mr Hogan had pointed him out to me as being one of the greatest thieves in Town & pointed out to me the House on Jackson Street where Whittaker resided, along with a man named Teddy—the House was at the corner of an alley leading from Gold Street into Jackson S$^{t.}$ above Sansome S^{t}— She then stated that Whitaker had been a Gov^{mt} Man or convict in the penal colonies. that he had been assigned to M^{r} Hogan, that he had served them

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'56, spoke of that murderer as "a recipient of the old Vigilance Committee's attention," and Bancroft says: "He was the associate of Whittaker and McKenzie of '51 vigilance notoriety, and in their company committed many crimes, but . . . escaped unpunished" (*Popular Tribunals*, II, 489). The error of confusing him with James Hetherington, banished, has already been noted (note 2, p. 27), and no other men of the same name are mentioned in the records. Hetherington's first statement was handed in by Spence on July 7, but the endorsement shows that it was filed with the documents of the 8th, and in the newspapers it was always printed to follow Stuart's confession, and was accompanied by the second statement, which was made in person on the 10th (p. 255). The names enclosed in brackets have been crossed out in the manuscript, and they were omitted from the first publication, July 11 and 12, but were supplied when the evidence was reprinted, in full, July 18.

[July 8, 1851]

faithfully seven years as a Butcher and that they had always found him an honest man—since then she has told me another story—that he was never assigned to M^r Hogan and that M^r Hogan never knew him until he met him here— Until the fire of 4th May M^r Hogan's house was next to Cross [&] Hobsons on Sansome Street—Mr Hogan then removed to the corner of Dupont & Green Streets where they Mr and Mrs Hogan now live.

Whitaker went to live at the house of M^r Hogan during his absence and M^r Hogan was very much enraged at finding him at his house on his return and immediately ordered her to send him off. He left next morning— I think he went to Marysville—Yet I saw the name of a person A. M. Whitaker, as a passenger who left here on the *Isthmus* for Panama on the 1st Ins^t his name was Sam Whitaker

Sam Whitaker told me in regard to the Jansen case, that Berdue & Wildred were both innocent. I expressed my serious doubts, he said, Hetherington, long Jim if ever he is taken will tell the truth, the man Stevens is long Jim—to satisfy you I will tell you all about it, Long Jim struck the blow, the man who was shot in the act of robbing a House at Sacramento City was the man who entered Jansen's first, there were seven men concerned in the robbery of Jansen—they divided the money in this parlor, after paying for drink, there was $246 to each of them. this information was given to me while the Hogans lived on Sansome Street—That there was a Gold Watch of which nothing was ever said about, which I threw into the bay from this back door,

Two men have recently endeavored to get Whitaker to join them in robbing the El Dorado & the present Custom House[43]—

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[43] The San Francisco Custom House, at this time, contained about $1,250,000 of public funds, and the safeguarding of this treasure was a matter of deep concern to T. B. King, Collector of the Port. Soon after he assumed his duties, in January, 1851, he constructed a vault beneath the building then occupied, at Montgomery and California Streets, and this, fortunately, withstood the fire of May 4th, which destroyed the superstructure. King hastened to build a new vault, under a building located at the northwest corner of Washington and Kearny Streets, and he caused great amusement by the elaborate escort he employed when, on May 28, the funds were transferred under protection of an armed guard (Soulé, *Annals of San Francisco*, 334). In a letter written to William C. Dawson and published in pamphlet form by Holman and Gray, New York,

the name of one of the men was [Earl a Scotchman—I know Earl, he is a stout man & think he is a member of the Vigilance Committee[44]] was often with Whitaker. Whitaker was afraid to trust them, otherwise would have joined them—[Earl] suggested the robbery of the El dorado and Jack Arrentrue[45] that of the Custom House, [Earl and Arrentrue] are very intimate—[Arrentrue] is constantly going in and out of the prison—

When Hogan gets his business settled up which was the only reason for my staying at his House until he returned—I will give you much more serious information on some other points—involving pretty much the same parties—

July 7th 1851

[Signed] Joseph Hetherington

[Endorsed:] Evidence of Hetherington American
Filed July 8^{th} 1851
Attest S Payran $Presd^{t}$

WEDNESDAY, JULY 9, 1851

MINUTES

Minutes July 9^{th} 1851

At a meeting of the Executive Committee held this 9^{th} day of July 1851 Present James Ward Brindley Bromley

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1855, King alluded to this incident and maintained that his precautions were fully justified by the disclosures subsequently made before the Committee of Vigilance. The *Pacific Star*, July 31, 1851, printed a diagram illustrating the scheme of proposed robbery, which was to lease the Verandah Hotel, on the northeast corner, and tunnel under the street, not only to the Custom House, but also to the El Dorado Saloon, on the southeast corner, and when the theft was accomplished to block up the passage to the Verandah, leaving the one to the El Dorado open, in order to divert suspicion in that direction. (See also p. 473.)

[44] David Earle, already under suspicion (p. 90), was expelled from the Committee the next day.

[45] John J. Arentrue was arrested by the Committee a few days later, and while still in custody, he was indicted by the grand jury for unlawfully aiding William Watkins to escape from prison in San Francisco, and also for conspiring with several others, on the second of February, in an attempt to murder an unidentified man in the mining regions. The Committee voted to deliver him to the courts, where he was duly tried, but the former charge was quashed on a technicality, and the latter case was dismissed on account of the absence of the only important witness. *S. F. Herald*, Law Intelligence, August 5, 8, 14, September 23.

Ellis Garwood Bluxome Curtis Schenck Coleman Payran Graham Ryckman

Meeting being called to order and minutes read, the Committee proceeded to business—

Ordered that evidence vs Stuart and his Confession be read to the General Committee—Also that the statement of Hetherington be read—

Order for arrest for Mrs. Hogan and others implicated be issued order issued

In the matter of Dalgren, the Evidence of Tennant taken, Order that Mr Dalgren have his property in charge of Committee and be honorably discharged

William C Graham elected Member of the Executive Committee in lieu of S. Brannan resigned

G. W. Ryckman elected member of the Executive Committee in lieu of R. S. Watson resigned, the members elect were duly installed

No other business being before the Committee adjourned to meet at 10. OClock A M of the 10th July Adjourned

Col Graham elected Sect^y in place of C. H. Brindley Esquire resigned [Signed] Stephen Payran

Presd^t of Ex Co

" W^m C. Graham Sect^y

Minutes of General Meeting July 9. 1851

Mr Selim Woodworth in the Chair

Report of Committee—Appointed to wait on the Cap't of Brig *Cameo*—to ascertain at what time he would sail and if he could take any prisoners we might have—

On motion of Mr Brannan

Resolved—That the Committee appointed to waite upon the Capt of Brig *Cameo*—request the Capt to point out one John Smith a convict from Sydney—

On motion of Mr Jones

Resolved—That the resignation of Mr Brannan of the Chair be accepted And also that he be excused from serving longer as a member of the Ex Committee[1]—

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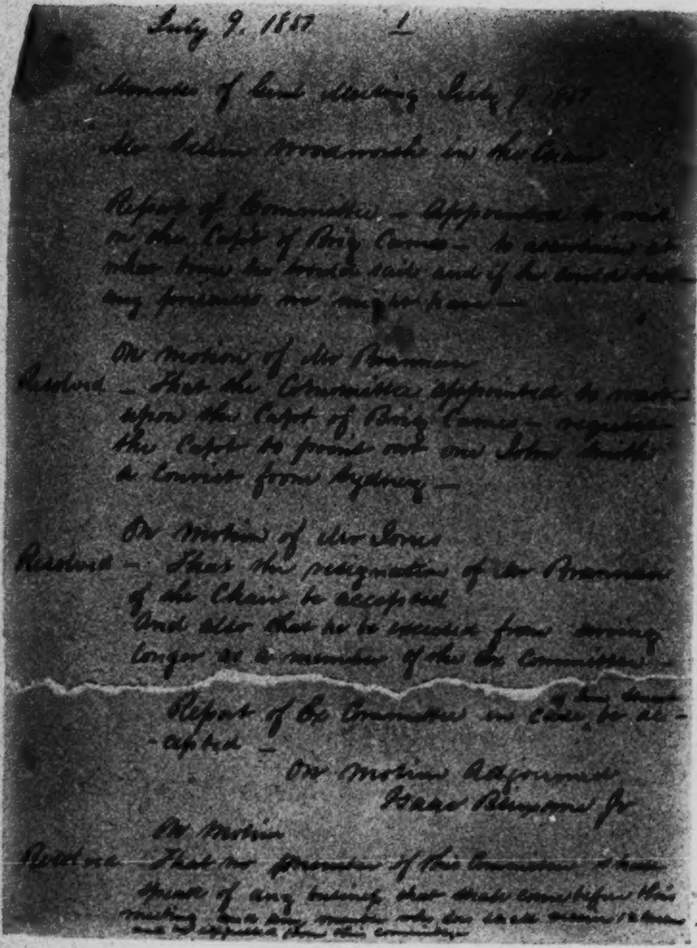
[1] See note 8, p. 181.



July 9. 1851   1

Minutes of Genl Meeting July 9. 1851

Mr Selim Woodworth in the Chair

Report of Committee — Appointed to wait on the Capt of Brig Cameo — to ascertain at what time he would sail and if he would take any prisoners we might have —

On motion of Mr Brannan

Resolved — That the Committee appointed to wait upon the Capt of Brig Cameo — request the Capt to point out one John Smith a Convict from Sydney —

On motion of Mr Jones

Resolved — That the resignation of Mr Brannan of the Chair be accepted

And also that he be excused from serving longer as a member of the Ex Committee —

Report of Ex Committee in Case [illegible] be accepted —

On motion Adjourned

Isaac Bluxome Jr

On motion

Resolved — That no member of this Committee shall speak of any business that shall come before this meeting [illegible]

FACSIMILE OF A PORTION OF THE MINUTES OF A GENERAL MEETING.
In the handwriting of Isaac Bluxome, Jr.

On motion

Resolved That a vote of thanks be tendered to Sam^{l} Brannan Esq for his attention to the business of the Ex Committee and also as President of the General Committee

On motion of Mr Haven

Resolved That Mr Selim E Woodworth be appointed President of General Committee for balance of the month—

On motion

Resolved That a Recording Secretary be appointed Mr [. . .] Atkinson was appointed by the Chair

On motion

Resolved That a book be kept for the Minutes of General Meeting[2]—

On motion Mr Brannan

Resolved That the vacenceys in the Ex Committee be filled at this Meeting—The following Gent were appointed Major W C Graham—G W Rikeman

On motion

Resolved That a committee be appointed to have blanks prepared for subscriptions to raise money for the completion of County Prison The following Gent were appointed R D W Davis & Charles Bond[3]—

On motion

Resolved The the following Gent be expelled from this Committee—David Earle W F M^{c} Lean—

On motion

Resolved That Mr Randalls excuse for introducing Mr M^{c} Lean be accepted

Report of Ex Committee in case of Jim Stuart be accepted

On motion adjourned

[Signed] Isaac Bluxome Jr

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[2] The archives contain no minute book of the General Committee.

[3] About forty collection sheets have been preserved in the files of the Committee, and they record more than three hundred signatures. The form of heading was as follows:

PROPOSED PLAN FOR COMPLETING THE COUNTY JAIL

We, the Subscribers, Citizens of San Francisco, hereby agree to pay to the "Committee of Vigilance," of said city, the sum of THREE DOLLARS each, to be appropriated by said Committee, and disbursed under their direct supervision, for the purpose of completing the County Jail.

On motion

Resolved That no member of this Committee shall speak of any business that shall come before this meeting and any member who does shall receive 12 lashes and be expelled from this Committee

MISCELLANEOUS PAPERS

[*Complaint of C. H. West*[4]]

To the Executive Committee of the Vigilant Committee

Gentlemen, Capt Upton was informed of all the proceedings of the Committee last evening by one Captain Patterson a member, Capt Upton also informed me some fortnight since, that this same Capt Patterson & a Mr MacPherson were well acquainted with all the Sydney thieves in our midst. Messrs Sage & Smith, in whose the office I heard it, stated the same thing. I am myself unacquainted with either Capt Patterson or Mr MacPherson, never saw them to know them, and do not even know if their names are on the list of members,[5] At the time I heard the first statement, I spoke of it to Mr Brannan & gave him the names & necessary references, as he was on the eve of leaving town, he probably forgot to mention it,

Capt Upton (who is a gentleman of respectability) informed me that Capt Patterson commanded a steamer for many years between Launceston and Hobart Town & therefore knew many of the Sydneyites in this country, and stated as his opinion that his presence at the meetings of the Committee would destroy the utility of that body, by making known to the Sydneyites, if they were suspected,

All of which is respectfully submitted in haste by

No 325 [C. H. West]

Backus's Statement in relation to Adams the Burglar.

July 9th 1851

G. A. Backus—Statement—from my knowledge of the Burglar Adams, caused him to be arrested the said Adams 5 ft 8 in pocked marked knew him when he boarded in Social hall. Jackson Street. I saw him this morning about ½ past 10 o'clk and invited him to take a seat informed him I probably had a good job for him. asked me what it was? told him it was assorting nuts he enquired where was the place informed him in Montgomery street. he asked me the wages, and said he was not fit for labor as he was in prison so long on low diet he was weak. I asked him what he was imprisoned for, he told me for the loss of some $7,000—from a cooper shop and he abused the judge upon the bench and he supposed that the penalty of imprisonment was for the contempt of court, and replied they had not got more than one half of money.

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[4] This communication is undated, but it is printed in this place on account of the final resolution passed by the General Meeting, July 9, which indicated that the members of the Committee suspected that the rule of secrecy was being disregarded.

[5] A. W. Macpherson, V. C. No. 36. Captain Patterson's name does not appear on the roll of members.

I enquired of him if he had disposed of the remainder, he replied that he had not been to work for many weeks and that he had fared well, I asked if he could loan a small sum, he said he could and would make an appointment to meet me at the place we were then sitting the next day in the conversation about the nuts, he asked me what kind of house it was, whether rich or not, and I stated to him that he might make a more profitable speculation. he then gave me a wink & slapt me on the knee. he asked whether I would come and see him daily and help take a survey of the business

I told him I would. he then told me we would make a good speculation.

Mr Backus states the criminal conversation wherein he is named was done as a ruse to bring about a confession—that the ends of justice might be served

[Signed] G. A. Backus

Wednesday July 9th 1851

[Annotated:] Ask him if he has been called Jackson

No 1) Copy Mary Windred's a/c against Thos Burdew. San Francisco May 6th 1851[e]

San Francisco May 6, 1851

Thomas Burdew To Mrs. Mary Windred	$—
lent money to Mr Walton	400—

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[e] See p. 184.

[July 9, 1851]

lent money to Witness	100—
Board & Washing	125.
	625

Mr. Mc Allister

have the kindness to see that Mr. Benham pays the money due to me to Mr. Goff and you will oblige your obedient servant

Mary Windred

I hereby certify that I have seen the original, and the above is a correct copy

[Signed] W. C. Meredith[7]

San Francisco Jul 9th 1851

No 2) Copy M Windred to Goff. San francisco May 6 1851

San Francisco May 6—

Mr Goff

Should poor Tom ever be permitted to return to San Francisco tell him that I never got any of his money—

Mr. McAllister & Benham[8] still holds it, that I assure him is the case—Tell him that I paid Mr Walton 400 dollars and other expenses.

I can scarcely recollect, however I trust he will soon be down and settle his own affairs—

and by doing so you will oblige your.

M. Windred

For T. Burdew.

I hereby certify that I have seen the original and the above is a correct copy

[Signed] W. C. Meredith

San Francisco July 9th 1851

No 3) Copy M Windred to Goff. San Francisco May 6th 1851

San Francisco May 6. 1851

Mr Goff—

I hope you will not think it strange of me in not coming down to see you before I start—But I have only half an hour to get

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[7] William C. Meredith or Meridith was the captain of police who proposed an incendiary toast relating to San Francisco (p. 351).

[8] Calhoun Benham, U. S. district attorney. *Parker's Directory*, 1852.

[July 9, 1851]

ready[*]—so the time is short and you know how I am situated, so that you will not be angry—I shall see you in our own country I hope—hope soon, I trust—Mrs Goff will get over her trouble soon and be sure to come back to our own welcome home—I would tell you more only time is short, should they never let Poor Burdew come in to this town—should they murder him for another mans crimes—I enclose the following bill—to be presented to Mr. M^c^Allister and you will oblige.

M Windred

Should Tom come down let him do as he likes only I would not like to see them rob his wife or me either, for Tom knows I Borrow 500 dollars from t[w]o Parties and they will look to be paid some day or other—the 500 was on Tom's account so I am responsible for the sum and would like to pay it—

I hereby certify that I have seen the original and the above is a correct copy

[Signed] W. C. Meredith

San Francisco July 9th 1851

Capt White. Statement in relation to Smith

San Francisco July 9/51

Mrs Smith and daughter lives Convenient to the Babtist Chapel in the same Street. the Man Smith wears a drab California Hat and an old fashion surstout Blue over Coat, fine Corded trousers long matted red hair & whiskers generally some indication of a Collission in the face about 5. 6 in High and is often on long wharf Mrs Smiths daughter now about 14 year old is the daughter of one Armstrong, the little girl is the daughter of the said Smith who is a runaway transport and who Married or Joined Company with Mrs Smith on her passage here, on board the Brig *Cammeo,* is said to have kept a Bad House of ill fame in Sydney. this man Smith Connected with Mrs Smith in Sydney and kept a bad House. He, the said Smith is a thief. Broke into the Hole of the *Cammeo* on her passage here and Broached a Cask of Lemmon Syrup, and Embezeled Cargo for which he was discharged by our authorities on his own Cognizance

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[*] The details of Windred's escape were related by Whittaker, p. 479.

[July 9, 1851]

Letter from Mr Mc Cahill

Sacramento City July 9th /51

To the President of the Ex. Committee

D Sir These few lines will introduce to your Committee Mr L Styvers who is to give evidence against Steward I was informed by Mr Styvers that he never received a letter requesting him to come down

Yours Truly

[Signed] T. Mc Cahill

[Endorsed:] T Mc Cahill Sacramento City 9th July 1851
Introduction of L Styvers

THURSDAY, JULY 10, 1851

MINUTES

Minutes July 10th 1851

At a meeting of the Executive Committee held this day 10th July 1851. Present Payran, Ryckman, Garwood, Curtis Bromley & Graham—

Meeting being called to order and minutes read the Committee proceeded to business.

Ordered that the Committee now proceed to the examination of H. Taft for the robbery of two thousand dollars gold dust one Fifty piece & two twenty dollars ps Baldwins coin—

Benjn Jenkins examined testified to the identity of the man Taft, as per Testimony—

H Taft was then examined by the Chairman of the Committee whereupon the said Taft fully confessed the crime— Confession filed

Further examination H Taft confessed having dropped a bag of dust in the privy at the hotel in which he was taken— Mr Jenkins was dispatched in search of the same & further consideration defered—

Ordered that the Committee now proceed to the examination of Mary Hogan—which Testimony having been gone through with—

The Committee took a recess until 2 OClock—

[Signed] Wm C Graham Secty

The Committee met agreeable to adjournment at 2 OClk P M. July 10th 1851. Present Payran Ryckman Bromley Spence

The meeting being called to order proceeded to business—

on motion the further evidence of Mrs Hogan was dispenced with until after the examination of her husband—

Mr G H Howard was appointed Special Marchel for the purpose of proceeding to Sonora to endeavour to arrest Saml Whittiker and all others implicated with him that they may find[1]—

Haven was instructed to detail a guard to proceed to Sac City for the purpose of arresting Belcher Kay[2]—

Michel Hogans testimony having been gone through with were ordered to be placed on file

Hethrington testimony having been gone through, Mrs Hogan was again called before the Committee & her further testimony taken from which nothing further was obtained—

Adjourned

[Signed] Wm C Graham.
Secty

Minutes of General Meeting July 10. 1851

Mr Selim Woodworth in the Chair

Report of Ex Committee in case of Hamilton Taff read—with evidence— accepted

Report of Ex Committee in the case of Thomas Desmond—accepted—prisoner discharged

Report of Ex Committee in Case of Theodore Dalgreen read—

Ordered that Dalgreens goods be returned to him—and that he be honorably discharged—

Report of Ex Committee in the case of Jim Stuart alias Wm Stephens—read together with new evidence—

Messrs Bond and Dana—Committee appointed to procure headings for subscriptions to County Goal—report the same will be ready to morrow at 12 M

On motion

Resolved That the excuse of Mr Macy—for introducing Mr David Earle to this Committee be accepted—

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[1] See voucher No. 12, p. 773.

[2] See voucher No. 7, p. 772.

[July 10, 1851]

On motion Mr Woodworth

Resolved—That if there any persons now in this Committee who know how the publication of the Confession of Stewart came to be printed in the Evening *Pic* he shall go to the Ex Com and report to them—

On motion—

Resolved—That a vote of thanks be tendered to the Committee who have had the prisoner Stewart in charge for the last 24 hours[3]

On motion

Resolved That the Eds of the *Evening Pic* are excused from any blame in the publication of the Confession of Stewart—

As there are some among us who are in the habit of talking in the streets—Therefore

Resolved That this meeting be polled in order that it may be known who we have among us—

[Signed] I Bluxome Jr
Secretary

[Annotated:] Accepted

MISCELLANEOUS PAPERS

[*Statement of David Howe in relation to Taft*[4]]

David Howe— Have known the Prisoner Taft for three or four months—have been neighbors during this time—from my acquaintance with him previous to the robbery. always considered him to be a good man— The money stolen was in a little tin trunk that I brought across the Plains with me and had a lock and key—to the best of my knowledge the money missing is not $50 either way from $2300.—saw this amount deposited in the trunk, and know that it was this amount from actual weight—the dust was tied up in 7 bags, some portion in little tin boxes, and some coin tied up in a rag—the bags were not marked. —usually carried the trunk with us during the day while at work, and at night put it under the pillow—was living in a tent at the time—was taken from me during the night—the night of the theft the trunk was on the ground near the head of my bed—suppose that the prisoner must have cut a cord of the tent. lifted it up, and took it away—Taft was in the habit of visiting our tent almost every evening—

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[3] See note 1, p. 214.

[4] Taft had committed a robbery in the mining regions near Auburn, and was recognized in San Francisco, a few days afterwards, and arrested by the Committee. When some of the missing coin was found upon him, he thought it best to confess the crime and thus enable the owner to recover the remainder (*S. F. Herald*, July 11). He was returned to the authorities of Placer County, for trial, and his guards gave a formal bond for his safe delivery (p. 268).

[Signed] David Howe

M^r Hetheringtons further Evidence touching Stuart

Executive Chamber July 10^th 1851

In the Matter of Information relating to crimes touching English Jim and others.

They summoned one Hetherington and Hogan to appear and testify the latter appeared and was examined but nothing of importance elicited Hetherington did not appear but promised (so reported) to appear tonight at 7 OClock P M

[Signed] Stephen Payran
Presdt of E. C.

Attest W^m C Graham,
Sect^y

M^rHetherington since appeared and was examined and his examination is hereunto annexed

[Signed] S Payran
Presdt of E C

Joseph Herrington examined—

[Do you know Belcher Kay, Arrentrue Do you know Jim Briggs & Davis Earle I know Belcher Kay[5]]

I knew Jim Briggs and Sam Whittaker and Eng Jim alias Stuart I have seen Stuart the prisoner in your custody I know him to be the same man that I saw at the house of Mrs Hogan. These men did not all board there except Whittaker who was a constant boarder. These men frequented the house Some of them eat and slept there occasionally—I never

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[5] The brackets enclose names that were crossed out in the manuscript, and suppressed in the first publication of the evidence in Stuart's case.

[July 10, 1851]

saw them commit any acts of my own knowledge—He never [saw] Sam Whittaker engage in any ostensible business whereby to earn a living—From my knowledge of the parties I suspected them of crime—from their general conduct and from subsequent information received from Sam Whittaker which confirmed my opinion. I have also seen Edwards at Mr Hogans house in company with these men—of your own knowledge, *Mr Hetherington refuses to answer this question.* Do you know if Sam Whittaker had illicit intercourse with Mrs Hogan from your own knowledge?

From explanations made by the president the deponent answers the question I have frequently seen Sam Whittaker and Mrs Hogan . . . together, Whittaker was aware that I have seen him . . . with Mrs Hogan—Mrs Hogan had said she had done wrong (alluding to Whittaker) and would not live with Mr Hogan again—

[In Mr. Payran's writing:]

At request of Mr Hetherington the Executive Committee except Mr Wadsworth & myself—retired when he stated

Whittaker told me that English Jim alias Stuart was travelling up to Marysville from Nicholas with two Americans & were hunting their mules which they had lost, the men were out of money, and concluded that they might as well be dead as without money, they agreed, to go up to the mountains, and rob every man they met, till they each had $20,000, that he the man Moore (whom they murdered) was the first man they met, and they murdered him. Long Jim[6] shot him—that he shot him with a shot gun—before anyone else came along they Long Jim & his Companions were discovered—the names of the American I never learned—one of them escaped from the Prison Brig—

Sam Whittaker said to me that there was a specimen in this City which Long Jim said he took off the body of Moore, and that it had been shown to him (Whittaker) and that he was confident that Berdue was innocent of it.

Sam Whittaker told me that he had a plan of Macondry & Cos Building, that he could rob the safe, that he had a plan of Dewitt & Harrison's, which he could rob at any time, also Youngs next to the El Dorado.

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[6] Long Jim was an alias of Stuart. See also Whittaker's confession, p. 480.

The foregoing and what I have stated in my first examination is all that I know

[Signed] Joseph Hetherington

Attest S Payran

Mrs Hogan's Evidence

Executive Chamber July 10th 1851

In the matter of Mrs Hogan

Your Committee respectfully represent that they have had her before them, the deposition is hereto annexed, but elicited nothing important, and have deferred her further examination until to morrow

Attest [. . .] [Signed] Stephen Payran
Presdt E. C.

July 10

Mary Hogan— Mr Hogan was absent for some time at the Mines—when Mr Hetherington boarded at my house—Mr Hetherington Davis, Jackson & friend boarded there—Mr Jackson lives in Sac. City—Mr Hetherington is a man of truth.—There was a man came down from the mines one morning before I was up asked girl if would take boarders—She told him no, he said he wanted his meals for a few days, I told him we did not keep a restaurant—He returned at dinner time—I did not know his name but Mr H said he was English Jim thinks 'twas last March—I have seen Belcher Kay at my bar. I knew Jim Briggs. —also Sam Whittaker—Sam Whittaker remained until the 30 June or 1 July until Hogan returned—dont know where he went then— I dont know anything about Sam Whittaker.—I never recd any money from him except $18. a week board— I have seen Whittaker in company with Kay and Briggs. I did not know nor believe he followed unlawful business.— He was not on intimate terms with me, further than the others were.— he is about 5 ft 6 not good looking dark complexion—dressed neatly sometimes.— I have heard Belcher Kay & him wrangling. —There was no row after the Jansen affair—I dont know what became of Jim Briggs—No one refused to eat at my table in company with Whittaker[7] Briggs &c—I dont recollect asking why a certain person was shy of Whittaker— I never knew of a house corner ally leading from Gold St into Jackson above Sansome where Whittaker resided with a man named Teddy I lived next Cross [&] Hobson—I moved corner Dupont & Green—Never knew Whittaker in Colonies. I never said he was a Govt man, was assigned to Mr Hogan or was a Butcher—He never was assigned to Hogan—He lived at my house during absence of Mr Hogan. Hogan was enraged on his return to find him there, ordered me to send hime off, he left next morning—'Tis likely he left the country but I dont know—English Jim went by name of Mason.—He & some others never divided money in my house—I have seen them all drinking together. I know Capt. Arrentrue

not at my house—I know Dd Earl.—he has been at my present house with Arrentrue.— I have seen Whittaker with them.—Never saw Belcher Kay with them,—Mr Hetherington staid at my house during my husband's absence believes he bore an indifferent character, but should believe any statement he should make.—Dont know Kitchen—Two or three came to our door last tuesday night—but not Mason—or English Jim, I have not seen him for ten days past. Mr Hetherington said from description in paper 'twas English Jim who had committed murders Hogan found fault with Whittaker's staying because he had been pointed out to him as a bad character—I never knew Whittaker to be out late except on one occasion.—I have heard him say he attended sales. I have seen him with a $1000. I have some daguerreotype of Mr Hogan and my sisters—no papers—I know several Smiths

I have seen Jno Edwards. Dont know Teddy Mc Cormick—nor Morgan—Tom Quick—Ryan or Stevens—Mason came to my house in March perhaps in February Same month Mr Hogan left home—That was the only time I saw Mason (or E Jim)—Whittaker was out some place near the Mission. I visit Dr Lambert at Mission where I have seen Whittaker—I never wrote to him—My house was searched once by Police—for some gold—Did not say who 'twas connected with—Mr Clark lost some money—did not say he lost it there—no man staid at my house last tuesday two weeks or last tuesday week answering to Mason—

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[7] See p. 243.

I have not got a daguerreotype of Mason—I know Weldred he was in the habit of coming to my house—M^r^ Hogan & he were from the same town, or their families were— Has not been there since his arrest in Feby.—I may have seen English Jim 4 times at my house I have seen him in company with Belcher Kay, Jim Briggs & Whittaker drinking with them at the bar never have seen Belcher Kay speaking together with Whittaker since their wrangling.—Several nights one or two nights after the Jansen affair I saw Kay, English Jim, Whittaker 8 or 9 altogether some I have never seen before or since—they drank something—my room is on the left hand side—I never had a daguerreotype of Mason alias English Jim

her
[Signed] Mary X Hogan
mark

Witness W^m^ C Graham
[Endorsed:] Taken & filed July 10^th^ 1851
Attest S. Payran Presdt

*M^rs^ Hogan Ex^n^*—[*Continued*]

Mary Ann Hogan—I am from Ireland . . .[8]

Where did you conceal Whitaker at the Mission?

Dont you know Whitaker was a burglar?

What house at the Mission was it you have been in the habit of visiting—How many times was your house searched by the Police

Did not Eng Jim or Jim Stuart or Mason sleep at your house on tuesday night last?

Where is the likeness of Jim Stuart or Eng Jim or Mason—

[*Mr. Hogan's Evidence*]

Michael Hogan— *Sworn* Am a native of Ireland—have lived most of my time in Eng—I have resided one year in San Francisco—I have seen and know Jim Briggs—Mr Whitaker was at my house when I returned from Umpqua River He was about 5 ft 6 or 7 in high—with a turned up nose—and a little stoop in shoulders—I also knew Mr Hetherington he was living at my house when I went away & on my return was still there—when I returned I found Mr Whitaker at my house and I asked my wife what that man Whitaker was doing at my house—she replied that he was a boarder—I ordered him to be sent away —I left my house with my wife & sister and a young woman who had been living with us—Hetherington & Dan his partner—a man by the name Jackson a printer—Mr Davis—I do not recollect any other—Mr Hethering told me (on my return) that he did not believe Mr Whitaker to be any great account—did not think him honest—did not think him a fit man to be in the house—and was glad that I had come home—the information received from Mr Hetherington produced unpleasant affairs in my family —the affairs between myself and wife can never be settled—Some years ago I had some trouble with my wife—my wife thought I never knew this man Whitaker—I always knew him to be a thief—or he was pointed out to me as such—A man by the name of Teddy & Whitaker were partners in a house in Jackson St near Sansom—the house was called the Port Philip house—On my leaving my house I left Capt King at my house or I should not have come here to testify

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[8] The matter omitted above is a repetition of parts of Mrs. Hogan's examination.

[Signed] Micheul Hogan

[Endorsed:] Mrs. Hogan's Evidence
Taken & filed July 10th /51
Attest S Payran Presdt

[*Concerning Anthony McLean*]

To The Executive Committee of Vigilance

Gentlemen—The bearer of the enclosed note giving his name as Anthony Mc Lean—is in the opinion of the undersigned—evidently as the note from Dr. M. states "*Mon Compos Mentis*"—He complains of persons living in the rear of the Hotel de Ville at corner of Montgomery & Sutter Streets—as having threatened his life, and hunted him at his house with Wild Cats, and other dangerous animals as well as arms—

We recommend him to be referred to the Police for the protection he may require.

Respectfully Your
Obt Servants
[Signed] Benj Reynolds
" F. O Wakeman

San Francisco July 10, 1851.

[Addressed:]
To the Executive Committee of Vigilance
Present

To Whom it may concern

The Bearer requires protection as he is not *Compos Mentis*

[Signed] Robert Mackintosh

Montgomery Street
July 10th 1851

H. Levey in rel^{n} to a fraud by Goldsmith a Dutch Jew

San Francisco July 10th 1851

This is to certify that one David Goldsmith a Jew, did obtain from me the sum of Ten Hundred and Fifty dollars in cash also one Gold Watch, for the purpose of selling for me, and I now am satisfied that it was a deep laid scheme of "*fraud*" from the beginning, pretending he had a large amount of Goods and about to open a store, one in San Francisco and one in Sacramento which upon investigation it is found that he not only has no Goods, but is very much in debt.

David Goldsmith is a man of about 5ft 9in well sett, very bushy hair and rather of a preposing appearance is most generally known by the name of Goldsmith or Dutch, as he is a Dutch Jew, Wore at time he left Frock coat and dress Hat Gambles considerable

Respectfully &c
[Signed] H. Levy
Corner of Jackson & Sansome St East Side

Refer to Henry D M^{c} Cobb

[July 10, 1851]

Store Ship W^{m} *Gray* next Block North Laws Wharf Clarks Point

[Addressed:]
To V. Committee
San Frano
Present

[Endorsed:] Filed July 14 1851

D L Oakley. to produce evidence

John B Ward Marine reporter for several papers of this City and a boarder of Capt Simpton, Harbour master, told Capt S— that in a crowd near Minturns he recognized T. Belcher Kay, this was communicated on the subsequent night to the attempt, as I have heard.

I can produce Mr Ward who I believe to be a man of veracity.

[Signed] D L Oakley No 418

July 10th

FRIDAY, JULY 11, 1851

MINUTES

Minutes July 11th 1851

At a special meeting of the Ex Committee held at their room on the 11 July 1851 Present Payran.—Ryckman.—Mellus. — Ellis.— Bromley Ward.— Woodworth.— Huie.— Graham.— Ward Schenck

The meeting was called to order for the purpose of fixing the place of executing the prisoner Stuart.—

By the request of the Committee of Vigilance M^{r} Stevenson was appointed to address the Crowd outside and state the reasons for which the said convict is to be executed.—

On Motion Cap^{t} Wakeman was authorized to pass out to make the out door arrangements.—

Payran & Mellus appointed Committee on publication of Evedence, Confession &c of Stuart alias [. . .], Committee report that they have discharged the duty by placing the documents in the hands of the Editors of the *Herald*, and therefore beg to be released [1]

[Signed] S Payran Presdt Ex C.
Secretary of Ex C W^{m} C Graham

Minutes of General Meeting July 11. 1851

Mr Selim Woodworth in Chair

On Motion

Resolved—That Evidence in case Stuart be read

Questions by Dr Stout and Mr Dows

Has the prisoner performed his contract or not? [2] No Unanimously—

Has the prisoner been guilty of crimes rendering him liable to the punishment of death— Yes—unanimously—

On Motion

Resolved That Prisoner Stuart be hung— unanimously carried—

Resolved That a Clergyman be sent for to remain with Prisoner until he is hung—

Resolved That Prisoner be hung at 2 o'clock [3]

Resolved That Ex Com make necessary arrangments

Resolved That no person be allowed to leave the room

Resolved That Prisoner receive his sentence

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[1] The *Herald* printed an extra on July 11, and a supplement on the 12th, giving all the evidence in the case, with the exception of suppressed names, and Hetherington's statement, which for lack of space was delayed until the regular issue of the 12th. The other San Francisco papers published the same material on the 12th. By request of the Committee, a large part of the testimony was reprinted, on the 18th, when the suppressed portions were made public.

[2] See note 9, p. 224.

[3] Stuart was executed about three o'clock on Friday, July 11. Earlier in the afternoon Colonel J. D. Stevenson made an address to the crowd that had gathered outside headquarters, and after stating the facts of the case, called upon the citizens to express their sanction of the decision made by the Committee. This was done by a shout of approval, while three voices, only, were heard to protest. The prisoner was then led out, handcuffed, and guarded by about four hundred armed members of the Committee, massed solidly about him. He was conducted down Battery Street to the Market Street Wharf, and there hung from a derrick, while the Committee and a great concourse of spectators waited below him in silence, with uncovered heads. *S. F. Herald* and *Alta California*, July 12, 13, and Soulé, *Annals of San Francisco*, 580.

[July 11, 1851]

Resolved That Col Stevenson inform the populace that at 2 o'clock the prisoner Stuart will be hung—

The Chair announced that the Clergyman was now in the room with prisoner

On motion

Resolved That a Committee be appointed to draft a form of the testimony to be published in the papers of to-morrow morning—

On Motion

Resolved That the Com take a recess of half an hour[4]—

MISCELLANEOUS PAPERS

[*Resignation of J. H. Levien*]

San Francisco 11 July 1851

Sir

Intending to quit California in a few days for India I have to request that my name may be erased from the roll of Members.

I shall nevertheless have the interest of the Society at Heart and you may rely that any information that I can glean in my travels that may promote the ends intended I shall communicate at every opportunity

With every wish that the Society may prosper & finish the "Work so well be begun"

I subscribe myself
Yours Most respectfully
[Signed] Joseph H Levien[5]

To the Chairman of the Executive Committee of the Vigilant Committee
San Francisco

[Annotated:] Leave of absence granted G. E. Schenck

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[4] These minutes are in the handwriting of Isaac Bluxome, Jr.

[5] This name is printed "Levrin?" in the roll of members (*Papers of the San Francisco Commttee of Vigilance of 1851*, I), but the signature here is clearly "Levien."

SATURDAY, JULY 12, 1851

MINUTES

Minutes Morning Session July 12th 1851

At a special Meeting of the Executive Committee held this 12th day of July 1851 Present. James Ward A. J. Ellis Stephen Payran Col Graham C. H. Brindley

Mr Bache made report in relation to property stolen from him, see statement taken by Mr Ward,

Report of Mess Howard & Oakes Committee sent to Stockton in quest of Sam Whittaker report that after close search assisted by some of the Vigilence Committee of Stockton, they are of opinion that Whittaker is not there, the said Committee saw a man resembling Briggs, report accepted

On Motion of J. Ward it is ordered that Mr Hetherington be desired to proceed with some members of this Committee to Stockton for the purpose of identifying a man supposed to be Jim Briggs, who arrived at Stockton night before last

On Motion of J. Ward ordered that a guard of 20 men well armed be sent as far as Benicia to come down on the *New World* to protect the person of a Prisoner Belcher Kay and others, in case such Prisoners should be on his way down in charge of our Committee Order issued

Adjourned to meet at 8. OClock P M

[Signed] Wm C Graham Sect'y

[Signed] S Payran
Presdt

Minutes Saturday Evening 12 July 1851

At a Meeting of the Exe Committee held on Saturday evening July 12th 1851. Present Payran, Brindley, Ward Schenck— Bromley Curtis Bluxome Woodworth, Graham, Ellis—

Mr Bromley made a statement relative to a report in circulation said to have eminated from Mr John F Spence, against Mr Frank Tilford Esquire criminating him with the man Stuart.—

On motion the President was instructed to address a letter

(Copy filed) to Mr F Tilford denying any knowledge of the Charge said to have been disclosed by Stuart.—

On motion of Mr Brindley he was appointed a Committee of one to wait upon Mr Jno F Spence relative to the report in circulation—

Resolved that we recommend to the Genl Committee the discharge of Negro Ben.—

No other business being before the Committee, adjourned

[Signed] Wm C Graham Secty

Minutes of Genral Meeting July 12, 1851

Evidence in Case of Negro Ben read and report of Ex Committee— adopted

On motion

Resolved That Negro Ben—charged with Arson be discharged

On motion Mr F Woodworth

Resolved—That the following Gent be added to Qualification Com—Loyd Minturn—E Anthony Chas L Case—passed

On motion Mr Woodworth

Resolved—That a Com be appointed to wait on Jack Hayes to inform him that the Com were ready to commence the Completion of County Gaol and obtain such information from him as will assist in going on the work—The following are the Com Selim E. Woodworth, Chas Brinley, Jas Ward

MISCELLANEOUS PAPERS

Copy of letter to F Tilford 12 July 1851

Executive Chamber
July 12th 1851

Frank Tilford Esqr

Dr. Sir, Whereas it has been reported to the Executive Committee of the Committee of Vigilence of San Francisco. that Stephens alias Stuart alias English Jim, alias Mason, alias Campbell, alias Carlisle, had implicated you in his confession &c.—

The Committee have instructed me to inform you in their ing your name in any manner during his many examinations nor in his confession nor to the Clergyman (Doctor Mines) who was with the Prisoner at the last.—

We regret much that any report inimical to your character should have emanated from any Member of the Committee and trust it may not be the case, it is enough to publish truth to the world, without wantonly injuring any one, especially one whom we much respect and esteem.[1]

By order of Executive Com^e.

S. Payran
Secretary W. H. Graham P. Ex. Com:

The Matter of M^rs. Robinson & Negro Ben charged with Arson

The Executive Committee have to report to the General Committee the case of the Negro Ben, arrested under peculiar circumstances, on the night of Saturday, the 28th of June. As the members of the Committe of Vigilance are aware:— the Negro Ben was arrested by the City Police upon the presumption as they reported, that he was guilty of, and concerned with others in firing a house in Pacific St. on Sunday 22d June. It will be seen by evidence read to this Committee that on the night of Saturday, 28th June, by an understanding, and with consent of certain officer, or officers of the Police, the man Ben was released and re-arrested by the Committee of Vigilance in paying attention to the evidence of Ben it appears, that he was induced by fear & bribery to confess that his mistress had induced & ordered him to set fire to the building in Pacific Street. After such important testimony being given he was allowed to escape, with the expectation & intention of the Police that he would fall into the hands of our Committee, make the same false statements against his mistress, which was hoped in the excited state of this Community would induce this Committee to arrest, hastily try & condemn the person against whom he testified—

[Annotated:] That the negro be detained[2]

[Endorsed:] Mrs. Robinson Discharged
Filed

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[1] Compare the letter addressed to the Committee by Lockwood, Tilford and Randolph, p. 210.

[2] The minutes of the General Committee of this date show that Ben was discharged.

[July 12, 1851]

Mr. Wethered. Statement—Ben's Case

Officer 3rd. District Police— Came to see about a trunk said to be stolen. Contg $2000. Mrs Bosley drove up to ask about a package.

Mr. Wethered went up with Mr. Howard—Mr. H. did not wish to let the information go abroad that the Negro was released from Calabose—Officer let him go to get his coat—on pretense—when Mr. W took him—I was talking with negro for some time—he made confession as was stated by him today—

[*Ben's Case*]

To be alleuded to immediately on the information of Mr Brown to Robt Reed he has learned That the Prisoners before the Vigalent Comte (The Black Man & White woman) That a Mrs Concklin who lives oppost the Grace Church (or that the Carpenters employed in a building opposit to G Church knows her & can inform where she can be fown—That the Said Mrs Concklin can give and has declared to the above named Mr Brown that The above named White Woman had lived in the House that was set on fire & that The nigro had been often in her company & had got drunk together & that the White Woman had robbed the house of the grates from the stove & done other Injuries to the House on her leaving the premises & that the Landlord had given her a months rent to have her remove &c & that on the day of the fire She was heard to say by the affore said Mrs Concklin "She Thank God She was not living in the House or else they" *The people* "Would say she set fire to it"—on which Mrs C replied I doubt but you are alredy at the bottom of it &c & many other things Mrs Concklin has said which clearly showes that she ought to be examined before the Comtee in regard to the prisoners

Yours Respectfully
[Signed] Robt Reed

In the Matter of Milton Nelson's Application

Western Addition of the City of San Francisco
Lagoon Pavilion July 12th 1851

Milton Nelson as being a member of the Vigilance Committee prays that the . . .[3] which he here proposes to become members of our committee, as a branch, for we have property at the Lagoon[4] and at Spring Valley, and we have had some cases, from time to time, that the authority's did not condem according to law, and those persons which I have proposed, and myself do not feal safe, in the great struggle now before us, I do think that these men which I propose are worthey of becoming members of our committee

Gen^l^ Winchester[5]	Mr M Upsum
Co^l^ Winchester	" C. W. Arnold
Chl^s^ H. Gough	" A Young
Mr Caston	" James A Good
" Cocran	Milton D. Bentley

Cornelius O'Keefe

[*Complaint against Milton Nelson*]

No 415 Stephen Bergin Gives information against No 487, Milton Nelson—Says that from information received from a friend who he will produce before the Executive Committee, the said Nelson is a *very disreputable character*, and is unworthy of being a member of the Vigilance Committee

To the Ex. Committee Commt. of Vigilance
Dalgreen's Letter[6]

Sanfra^{n} 12 July 51

To The Ex Com. Comm$^{e.}$ of Vigilance

Gent^{n} I have rec$^{d.}$ all my luggage with the exception of the following articles,

5 new fancy Shirts (wrapped up in a Newspaper)
1 pair large Blankets

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[3] Illegible.

[4] "The Lagoon, or mountain lake, is situated just beyond the range of hills north of the Presidio . . . and about three and a half miles from the city . . . with an outlet into the outer bay." Report on Mountain Lake Water Company, *Alta California*, Oct. 29, '51.

[5] None of these names appear in the roll of members, and it is possible that the undated complaint which follows the application influenced the Committee against this proposition.

[6] See note 8, p. 93.

[July 12, 1851]

1 Rifle
1 large Side of leather—prepared for and used as a Bed Cover.—

Altho I do not think that the above named articles came into your possession, yet I can swear to the fact of their having been amongst my baggage & I submit whether you think I should lose them—if you conclude that you ought not to be held responsible for them well & good, for I have equally as full confidence in your just and equitable feelings, as I have expressed and *honestly feel* in your honor & impartiality—

I volunteered to several members of your Comm$^{e.}$ my services to aid you, if I could, in your surveillance or detection of criminals—I rec$^{d.}$ no reply & presumed you did not deem it expedient to avail yourself thereof & accordingly have gone to work—but having a leisure moment & while before you, permit me to make one or two suggestions—

Firstly, I would suggest that the moment a fire occurs, you would throw out a cordon of Boats from Rincon Point to North Beach,[7] to intercept thieves as from my own personal observation in this harbor, I am convinced that two thirds of property stolen at such times, is carried across the Bay & to the neighboring Islands—I think that Angel Island is, or was, a depôt of the kind, for most of the Boats I noticed, pulled over that way—I think also that North Beach from its position and isolation, has been & probably is yet so used, as well as a place of rendezvous—for this reason,—that when I brought up *Conside,* I came to off North Beach & happening to go out on deck during the night (feeling anxious as the wind was blowing heavy), I always observed at every such time, one or more boats, going or coming from the Beach to small craft anchored well in shore—it will be remembered that this was *the night after Jenkins was hung,* as will be seen by referring to the papers for the arrival of the "*Conside.*" In proof of this I will only say that on this same night, I saw a small white Boat pull by me, in which were three men, one with Manacles on, that I watched till well over towards

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[7] From North Beach to Rincon Point included a large part of the line of San Francisco waterfront from north to south.

Saucelito—& which from what transpired subsequently, I judge to have been Watkins in charge of some of your Members[8]—

Secondly, I would suggest that the Committee should take the matter of sailors deserting from the vessels at night, into hand—it could readily be prevented by 5 or 6 Boats, rowing guard—I am aware that there is a night-guard in operation, but they are not wide awake, as I can prove in my own instance—

There is a man here, named Stevens, who formerly kept the Fremont Family Hotel, who from having been here some time & lived in that particular locality, I think could give you some information about Sydney people—Not that I charge him with any thing, nor that I know aught against him, but solely that I believe he *might probably* from his position as keeper of that establishment & being an Englishman, know of parties of exceptionable character—

In mentioning this man, I desire to say particularly that I know of nothing to his disadvantage, nor much of him in any way,—I first saw him some 7 or 8 years ago in New York,—he at that time went away Mate of a Brig to St Mary's, Florida & I subsequently heard that the Brig had been lost or robbed—he told me at that time that he had been some time about Tobasco, Laguna & Yucatan—I have never seen him since till six weeks ago at San Diego—He told me that he had got into some difficulty here &c. He had no money then nor property that I could see—he left there & came up here on the Schr *Elizabeth B*—a short time since—He or a brother of his, is, he told me, interested in the Brig *"Cameo"*

From what I have seen of the man & his general bearing, I think *well of him,* and think that if applied to by the Committee, he would give them such information as he could, that he would not probably not like to *volunteer* to afford—

I would also suggest that the opposite shore of the Bay be visited—

With reference to myself I merely wish to say that the change in my conduct towards the Committee arises *wholly and solely,* from my having seen *what* and *who* it is composed of, Had I known at first, matters would never have gone as far in my case as they did—for, now *that I do know,* the Committee Room is the *first place* that I would seek for justice or protection—& I will ever consider it *my duty* while here, to apprise them as they at present think & act, of any thing that may come to my knowledge, which can interest or benefit them—& through them, the community at large—for my heart & head are with them—

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[8] See note 5, p. 92.

Any information relative to the articles mentioned as missing, if left with Mr Tennent, will reach me, as I come on shore mostly every night—

Very Respy Gent
Yr ob$^{t.}$ sv$^{t.}$
[Signed] Th Dahlgrén

To The Ex. Committee
Comm^{e} of Vigilance

SUNDAY, JULY 13, 1851

MINUTES

Minutes Sunday Afternoon July 13th 1851

At a Meeting of the Ex^{e} Committee held Sunday afternoon July 13th 1851. Present Payran Huie—Bluxome—Curtis—Graham Ryckman—Bromley

Frances Lebons, was put upon examination for the murder of Francisco Guerro upon the Mission road yesterday afternoon the 12th Ins$^{t.}$[1]—

A deputation having been rec^{d} from the Mission requesting the prisoner to be conveyed to that place for the purpose of identity upon the Coroners Jury, on motion Van Bocklin Cap Wakeman S. Brannan Bluxome and Thos M^{c}Cahill were appointed a Committee to convey the prisoner there & to return him after the examination to the Committee Room[2]—

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[1] Don Francisco Guerrero, a resident of the Mission, met his death, July 12, while returning to his home on horseback. Suspicion rested on a Frenchman, Francois Le Bras, with whom he was riding, and the latter was arrested and taken to the rooms of the Committee, but allowed to appear before the coroner at the time of the inquest. There was some evidence that Guerrero had fallen from his saddle while racing with his companion, and after a thorough examination, the Committee gave the prisoner over to the authorities July 17 (p. 291). His trial resulted in an unhesitating acquittal. See *S. F. Herald,* July 14, 18, and *Alta California,* Nov. 16.

About 11 OClock the above Committee returned him to the Room in Safety with all papers, after which the Ex Committee adjourned

[Signed] W^m^ C Graham
Sect^y^

MISCELLANEOUS PAPERS

[*Complaint of Mr. Quilfelt*]

M^r^ Quilfelt watchman corner Montgomery & Commercial St complains of an attack upon him by three men last evening & that when he asked a police officer to arrest them he informed him that he must get out a warrant—one of the three is named Gerham.—

This is the Second complaint of a similar character to day—

[This note is written in pencil on a small, ragged piece of paper. On the back, in ink, appears the following memorandum]

John Mallett A Bartoll By John T Smith 209
July 13/51

Aaron Dow. Sacramento July 13/51
These papers relate to the Counterfeiters

Sacramento July 13^th^/51

Mr Brannan

Dear Sir Your name is the only one in the San Francisco Vigalence Committee with which I am acquainted, so I address this note to you

I have at my house an Englishman who is very sick. On hearing of the hanging of Stewart, tells this story; which may be of some service to your Committee so I give it as he has to me.

He says, There is a man in San Francisco, an Englishman who Came from London whose name he has forgotten, or rather the one by which he was known in London, that Shipt 800 lb of Mashenery at London, for San Francisco, for the purpose of counterfitting the American Coin. That previous to his leaving London, he had introdused to him a man by the name of Walk, who came in the Ship *P. Royal* as passenger (a Sydney chap) whose Passage was Paid £25: simpley because he was a great genious at counterfiting Coins—that he had counterfitted the English Coin so exactly, with 30 per cent alloy, that the officers of the Mint could not detect it

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[2] See voucher No. 73, p. 789.

This sick mans name is Hall. Appears to be, and no dought is, a very honest. his mind is weak, but thinks he will be able to remember the mans name soon who, between the time that he left London and the arrival of his freight in the *Royal*, changed his name, and on his (Halls) arrival, found he went by the name of Col—[. . .] Wears a white Hat If desirable, no dought you can get the names by calling on the Capt of the Ship *"Princes Royal"* in San Francisco harber.

He also says, that this Walker told him that there were 1500 men in that City combined together for the purpose Stealing & Robing when and wherever an oppotunity presented. This Walker left Sydney and arrived in London by the way of India—thinks he has been sentenced to Sydney twice or three times by the Courts of England.

As soon as he thinks of this Col's name, I will send it to you. I beg you will not make this note public or I may come under the lash of these villins

Respectfully
Yours in great haste
[Signed] Aaron Dow
K. St. between 2^d & 3^d

[*Report of 537, V. C. B. F. Hanna*[3]]

"A man named McCurdy, who came passenger in the British bark *Princess Royal*, from London, has now in the United States Appraiser's Office 800 pounds of apparatus and false dies for counterfeiting the different silver and gold coins of the United States. This man is accompanied by a man named Walker. The dies, etc., will be shown to any of the Committee who may be pleased to call upon the officers of customs at the appraiser's store, California street; and they will also give a description of Mr. McCurdy."[4]

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[3] This report, missing from the files, is reprinted from Bancroft's *Popular Tribunals*, I, 302.

[4] See report on the dies, p. 372.

MONDAY, JULY 14, 1851

MINUTES

Minutes Monday Morning July 14th 1851

At a Meeting of the Ex^e^ Committee held on Monday afternoon July 14th 1851 @ 1 P. M. Present Payran—Oakes—Schenck —Bluxome—Graham—Curtis—Wadsworth

On motion that in the matter of Berdew alias Stuart the Committee report that the Sect^y^ of the Executive Committee be instructed to write to the Authorities setting forth the Evidence in said case, without further instructions—

In the matter of Sam Whittaker, Capt Ryder is ordered to proceed and arrest him at Stockton

In the matter of Belcher Kay, M^r^ Cartwright ordered to proceed and arrest, his letter to be taken into consideration after in Custody.

Testimony of Lane & Duhy taken in the case of Gueuro—
Evidence of Green taken in relation to Stuart's associate—

No further business adjourned to meet at 8 OClock P. M.

[Signed] W^m^ C Graham Secty

Minutes Monday Evening July 14th 1851

At a Meeting of the Executive Committee on Monday Evening July 14th 1851. Present Payran. Schenck Bluxome Ryckman J. C. Ward Wadsworth Brindley M^c^ Cahill Ellis Curtis Bromley Oakes Woodsworth Graham

Further evidence in the case of Le Bras was gone into & recorded—

The French Consul was introduced into the Committee room & the prisoner having been produced he went into an examination by the Consul.[1] the prisnor having been withdrawn—the Consul requested the loan of the examination of the documents taken in the Case—whereupon a motion was made & carried allowing him the loan of the same to be returned tomorrow morning—

Certain papers were rec^d^ & filed relative to R N Morrison

On motion adjourned to meet at 10 OClock tomorrow Morning

[Signed] W^m^ C Graham Secty

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[1] Patrice Dillon was the French Consul at this time.

MISCELLANEOUS PAPERS

[*Letter from T. B. Kay*]

[“From Sacramento, the 13th of July, Mr. Kay wrote the San Francisco Vigilance Committee as follows:”[2]]

Being informed that certain grave charges have been preferred against me by the man Stuart, and that you wish to try me on said charges, I now state to you that I am ready and willing to meet the same, and will voluntarily deliver myself up the moment you may send for me, trusting to your honor for a fair and impartial trial, and beg of you to secure for me as counsel Geary Austin, Esq.

Very respectfully,

T. B. Kay.

E. G. Austin in relation to Belcher Kay

San Francisco N° 6 Wells & Co^{s} Building.
July 14th 1851

To the Executive Committee & the Members of the Vigilance Committee of the City of San Francisco

Gentlemen From verbal information received by me this day I learn that Mr T Belcher Kay has addressed a letter to your association in which he proposes to engage me to appear before you as his legal Counsel.

Having had the pleasure to act as the adviser of the Executive Committee and of some of the members of the General Committee in their official positions I take the liberty to say to you that Mr Kay's reference to me is without my knowledge or consent and that I shall not appear as his counsel at any time or place.

I am respectfully &c
Yr Obt St
[Signed] E G Austin

S L Haven Sacramento 14th July 1851

Sacramento City July 14/51

To the Executive Committee of the Vigilance Committee

Gent Mr Bond has already told you of the arrangement that

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[2] This letter, missing from the files, is reprinted from Bancroft's *Popular Tribunals*, I, 370.

I had made with B Kay to produce him before your body, if the other committee had not come up, he would now have been with you, a Mr Hasson[3] of that committee I am told informed Kay of such things that this morning he has obtained the protection of the civil authorities. the Mayor has written a letter to the Mayor of S. F. by Freeman to day, another report is that he has taken horses and started for S. F. to give himself up to Col Hays the last I do not believe, I believe he has broken his parole, and I shall arrest him the first opp'y. awaiting your orders by this nights boat I remain respy Yours

[Signed] S L Haven
Deputy Marshall V C

Half past three P. M.

P. T. O.

I have just been informed from the Mayor that he has written a letter to the Mayor of S. F. and if he applies for Kay he can have him, he has left town and may have gone to Benecia. Keep a lookout on the Stockton boats

S L H

The Mayor says no one can see him before this boat leaves at any rate.

[*Evidence of Green in Relation to Stewart's Associate*]

Alfred A Green I think I know the man at the mission described in the Confession of Stewart as the man who was about to rob the house of some Spaniard—Between 2 & 3 years ago I was proprietor & owner *Aguilla do Oro*—at times I had from 80000 to 100000$ deposited with me from the various Gambling Banks I had two bar Keepers—one was my brother and the other was a man named Peter Thompson—I saw there was something on his mind Thompson for several days—I asked him what was the matter with him?—he told me his life was in danger if he told me—he finally promised to tell me if I would not reveal it—he then told me as follows—

That George Leonard had proposed to him to rob the safe in the tent—stated that he had several to help him—and that they would give him a large share—and in case my brother should awake that they would manage him—I manage to get rid of Leonard by kicking up a row with him and would not allow him to come into my tent during the day or night—shortly after this Leonard left town and I did not see him for one year—The next I heard of him he was arrested with one Tom Edwards for stabbing one Spaniard—I understand he managed to get clear—I have seen him for the last month about the bakers at the Mission—he has been at my house a number of times during the last month —I saw him yesterday in disguise at my house

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[3] J. C. Hasson, V. C. No. 229.

[Signed] Alfred A Green
Pavillion

San Francisco July 14. 1851

Joseph A Wilbur, Sheriff Bute Co. Description of Davis the Horse Thief. July 14, 1851

Hamilton City. Butte County, Cal
July 14, 1851

To Samuel Brannan Esq$^{r.}$
President of the Vigilance Com.
San Francisco, Cal. Sir I send you a description of a notorious and base Scoundrel and Horse Thief by the name of *Davis,* who escaped from my custody a few days since by sawing off his chains with a Butcher Knife, perhaps handed to him for the purpose by some unknown person—This man has been guilty of so many base acts, and is such a pest to the community, that we are anxious to recapture him and mete out to him what he so justly deserves; and any assistance you or any of your honourable and gentlemanly Committee can render in retaking him will be highly Appreciated by myself and this whole Community

Should you meet with him please notify me of the fact, as our Jail, perhaps the most secure in the State, is now finished and I feel sure that I can safely keep *any man.*

Description—5 feet 8 in high

Dark complex. Dark hair & long—Dark eyes Nose large and little Roman—little or no beard—Sunken features—down look—cannot look one in the face very filthy in his appearance—chews Tobacco incessantly Speaks Spanish very fluently —his right hand looks as tho it was deformed—the fingers very wide apart and unusually short—do not recollect whether the left is so or not—

Very respectfully yours
[Signed] Joseph Wilbar
Sheriff of Butte Co.

[Addressed:]
To the Extv. Committee of the Committee of Vigilance
San Francisco Cal

[*Letter from Captain Harris*]

San Francisco 14th July 1851

Sirs

I am about to leave this Port, and I hereby authorise the bearer Mr James Mc Eachern to call upon you and receive on my account the indemnification you promised me for my watch & chain which I estimate at $100.

I am Sir
Your Obt Servt
[Signed] I Harris[4]

To the Executive Committee of Vigilance
[Addressed:]
To The Executive Committee of Vigilance
San Francisco

Statement of Britton F Jones. July 14th 1851

Britton W Jones. States that the evening after the extra of the *Herald*—Edwards & Osmand vacated the town & returned yesterday & left this day for Monteray—Osmands woman is left in Town to settle some property—She is to join them at Monteray for other parts—(resides at North Beach[5]).—

Mrs Gillard's information about Lewis, from C C. Richmond. July 14th 1851

Mrs Gillard says that her cook can swear to Lewis's setting fire to her kitchen—information from C. C. Richmond.

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[4] See note 6, p. 147.

[5] See Jones' signed statement, p. 286.

TUESDAY, JULY 15, 1851

MINUTES

Minutes Tuesday Evening July 15th 1851

Executive Chamber July 15th 1851 8 OClock P. M.
Present Bromley Gorham Col Huie Ward Ellis Schenck Curtis Woodsworth Wadsworth Brindley Turner Payran

After Meeting being called to order—

On motion *resloved* that a Committee of four be deputed by the chairman to proceed on board the Ship *Adirondack* to examine the Passengers. Bluxome Brindley, Woodsworth and McCahill were appointed,[1]

A guard of Ten appointed to take charge of the Ship during examination

On motion of Mr Ward, Charles McDonald who was arrested for Jemny from Town, was discharged on the ground that he was the wrong man;

Report of Mr McDuffee in relation to pursuit of Sam Whittaker received & filed

Letter of introduction introducing Mr Holden received & filed

In the matter of Capt Harris, claim for Watch, Capt Harris appeared signed a statement, after which Capt Harris was discharged from further consideration

Ordered that Taft be given over to the authorities

[Signed] S. Payran
Presdt of Ex. C

Action of General Committee

[Selim Woodworth in Chair[2]]

Carried Report of Ex Com

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[1] The ship *Adirondack*, Capt. Gilespie, arrived from Sydney July 14. The Committee's list shows a total of 256 passengers, and of these 138 were examined in detail as to their antecedents and character. Ten were considered with suspicion, having sailed from England to Sydney on convict ships, but six of this number were discharged when they positively denied that they were prisoners at the time.

[2] A fragmentary draft of the minutes of this meeting named Woodworth as chairman, and gave sufficient data to indicate the place of the more complete, but undated record.

In the Matter of Hamilton Taft

" " " " Francis Le Bras

The Interview with the Governor,[1]

Report in relation to sending a Committee to organize throughout the State;

Publication of Evidence & Confession of Stuart disclosing the names of all parties implicated

Publication of Evidence against Goff also his confession, with Goffs correspondence with Mrs Wildred [Windred]

What action shall be taken in the matter of Berdue

Prison Committee be desired to report to Ex. Committee at 12 tomorrow—

Petition of Goff, be laid on table.

Refused to reconsider Petition of Goff.

MISCELLANEOUS PAPERS

In the Matter of Le Bra's

Report of the Executive Committee of the Committee of Vigilence of San Francisco

That In the Matter of Francis Le Bra's they have been taking testimony for & against the Prisoner since Six OClock P. M. of Sunday the 13th inst to the present time, that said Testimony does not tend to convict said Prisoner

To day the Sheriff of the City and County of San Francisco with his Posse Comitatus, and Writ to Arrest said Le Bras called on Committee for the Prisoner, your Committee informed the Sheriff that after the Committee had acted on the case they would determine what disposition they would make of it

Your Committee are of opinion that notice should not be taken of the Writ, and if it should be thought advisable to submit the case for trial at Court by the Authorities, to do so of their own free will and accord, and keep the Custody of the Prisoner

Executive Chamber July 15th 1851

[Signed] S. Payran Presdt of Ex. C

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[1] There are no details of this interview with the governor, but it may have been connected with an open letter issued by McDougal on the 21st, in which he deprecated the increasing tendency to organize committees of vigilance and to invest them with unlawful functions and authority. Printed in Bancroft's *Popular Tribunals*, I, 332.

A J Mc Duffee, Introduction of E S Holden

Stockton July 15. 1851

To the Executive Committee of the Committee of Vigilance San Francisco

Gentlemen This together with the enclosed will be handed to you by Mr. E. S. Holden of the Committee of Vigilance of this place. He has been very prompt in rendering us assistance to further our object in visiting this place, and is a warm friend and supporter of our cause I have no doubt by making him familiar with the perfection of our organization it may be of much service to the organizations in this section of the Country

As the request of any civilities to him, which will be promptly shown, are unnecessary

I subscribe myself
Your Obt Servant
[Signed] A. Jackson McDuffee

[Addressed:]
To the Executive Committee of the Committee of Vigilance
Battery St below California St
San Francisco Ca
Introducing E. S. Holden Esqr.

A J McDuffee. Stockton 15 July 1851
[*Case of Sam Whittaker*]

Stockton Tuesday A.M. July 15. 1851

To the Executive Committee of the Committee of Vigilance San Francisco

Gentlemen, Mr Rider Mr Reynolds and myself arrived here this A.M. We have consulted the Officers of the V. C. of this place and from all the information in our possession we have good reason to believe we shall find our man at the "Chinese Diggins" about 8 miles this side of Sonora. We propose leaving here this evening and take advantage of the cool of the night to reach that place at an early hour tomorrow A. M. When we hope to have him in our hands Should he not be there other means will be taken in hand to find him should he be in that portion of the country, (of which fact there is no doubt) Rest assured that everything will be done to bring the person in question before you and look for our return at a late hour Friday night. We require *no guard* to meet us at the boat as we can make our private arrangements if necessary—The Committee of Stockton have rendered us every assistance to further our object and will give us such individual assistance as we may want. I am informed by them that the Committee at Sonora will be found prompt and efficient in case we want them Hoping we may be more successful than the Sacrimento Expidition

I have the honor to be
Very Respectfully Your Obt Servt
[Signed] A. J. M^{c}Duffee
for Committee

[Addressed:]
To the Executive Committee of the Committee of Vigilance
Battery Street below California St
San Francisco Ca
Pr. E. S. Holden Esq

[*Resolution in relation to sending a Committee to organize throughout the State*]

Resolved That a Committee of three be appointed who shall proceed on to the principal Cities of the State where Vigilance Committees have been organized, and confer with them on the objects of our formation present them with a copy of our Constitution and Bye Laws, and make such arrangements with them, as will carry out the measures, we contemplate; in perfect unison, said Committee will also assist the Citizens of those Cities in which they have not organized to state the importance of doing so [and] to organize, Members of this Committee will much assist their Committee by writing by their Committee to all their principal friends in the Cities and Towns of the State asking of them their Aid in accomplishing the great end of our Institution,

Resolved further that Committees of Correspondence be established by all of the Committees, through whom each shall be kept advised of every matter of importance[4]—

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[4] This resolution is in the writing of Stephen Payran. No further allusion is made to such a committee of organization as is here suggested.

[July 15, 1851]

[*Letter from William Fitzpatrick of New Town*]

New town July the 15—1851

To the Cheif of Vegelance police St Francisco

Whereas a man named Joseph Steward has left the town of new town on the night of the 14th instant and stolen a mule and caried away a sum of money belong to William Fitzpatrick and others in whoes Bakery he was employed as a Baker. William Fitzpatrick will be thankful if the said man should come under the eyes of the police to have him arrested he is about five feet five high dark complection rather Broad set about 30 years of age has been in Mexico and perrue for several years speaks a little Spanish round features. a Scotchman by Birth and rather pleasant Laughing countinance fast talking, when this fellow come to new town he was without money Wm F furnished him with money vittule &c and took a Bakery for hire furnished everything necessary for carrying it on the fellow ran away with the products of one month having first purchased a mule from the Cash on hand for the occasion which he Bought in the name of Mr F Several of the inhabitants turned out to look for him this morning but without efect it is thought he left with another [man] for St Francisco

[Signed] William Fitzpatrick

To the Editor of the *Alta California*[5]

[Addressed:]

To the Editor of the *Alta California*
St Francisco

Statement of Boden July 15th 1851

Richard Boden, resides at Clarks Point on Board *the Treaty* —July 15th 1851, a young man by the name of John Williams, alias Taffe, came down from the mines (he was formerly a waterman at Clarks Point) he came into the House called the Snug Harbor, near Cunningham Wharf, in Battery Street, it is kept by Samuel Moore, I recognized Williams and we spoke together, after a few minutes talk he asked me to drink with him and stand the treat; we sat down together and had some conversation about the mines, I asked *Williams* if he had made anything at the mines, he said No, he told me he had no money but had *a Lot of Jewels* and he wished me to sell the Jewels for him, he had Bracelets among them, three were odd—I replied these are dangerous things to take—he said there was no danger for the man who *owned the Jewels was Dead,* I then said wait a moment I will go out and get a Purchaser, I directly went to the Station House in Ohio House, and acquainted the Capt of the Police of the Affair, the Capt sent a Police Officer with me to the House of Moore, I did not go in then, I told the Police Officer to go in the House and look at him, I advised him to say nothing to Williams but mark him and come out again, I thout it most advisable not to take the Jewels without the knowledge of a third Person, the Police Officer went away . . .[6] the Hill and I around Battery Street, before I reached the door as agreed upon I saw the Police Officer going away with Williams in another direction the Officer and Williams went to the Police Officer, I did not follow, as they had gone contrary to my directions, in a few minutes the Officer came after me, I then went to the Police Office, Williams asked me if I had told the Officer that he Williams had Jewels for sale, I answered yes, the Captain or Sergeant of Police took me behind the House and questioned me about it, they kept Williams in Custody until Monday morning (they had taken him on Saturday) they discharged him, without any further examination.

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[5] This letter did not appear in the *Alta California*.

There is a Mob consisting of Williams and some Watermen who are determined to take my life

Williams came from M^{c}Clain Ferry on the Stanislaus, it would be well to make inquiry

Williams is about 5 ft 5 or 6 in long face light complexion pock marked light hair not bushy, straight hair, light whiskers and thin moustache, appears not to have shaved lately about 23 years of age

W^m *Henly. Statement*

A man by name of Wilson now in *Sacramento* A man by the name of Parks kept the Byron House on K Street, between front & 2nd Streets this House is frequented by Boatmen, Jemny from Town used to be there.

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[6] Paper torn.

Wiliam Henley! I worked at the Brick Yard at the Mission Dolores, I worked up to last Saturday morning—I worked for a man by name of Wise I have some money in hands of Daniel M Elwee he lives opposite Sacramento at the Fisherman Co^s place ($20)—I am going there to Fish I also have a Boat there —I have not seen Jenny from Town for six months until within a few days since in Francisco—Jinny from Town is about 5 ft 6 or 7 in—stout, dark comp. dark Broun Hair—smooth face,—

Scotty I know, he is a young slim man dark complexion dark hair, smooth face has been a Soldier—is a Scotchman

]Endorsed:] Henly was brought here by Mr Argenti

Geo W. Smith July 15th/51 gave information that he saw Jenny from Town at 12 OClock today sent a guard with him to arrest if found

Statement of Britton W. Jones. July 15th 1851

Britton Jones Exd July 15th 1851 before Executive Committee states

I happened in the California Exchange at 12 OClock of the 14th inst. I heard three or four persons in conversation about Edwards & Osman stated that they had returned to S. F. on Sunday night, another party replied yes I heard so too, but they are off this afternoon for Monterey, from thence to Melbourne, which is a settlement on the Coast of New Holland, Edwards Mother in Law lives at Melbourne, I heard that Osman left his Wife behind to settle up his business, and is to follow, Osman's Horses were stalled back of the City Hall

[Signed] Britton W. Jones

WEDNESDAY, JULY 16, 1851

MINUTES

Minutes July 16th 1851

At a Stated meeting of the Executive Committee held at the Committee room July 16th 1851. Present Payran Ryckman Bromley Graham and Oakes

A communication was received from Nos 415 [Stephen Burgein] & 535 [Richard Horton] praying that the wife of M^r^ John Pointer might be permitted to land from Ship *Andriondies*—[1] whereupon a communication was sent to the examining Committee granting the same providing they were fully satisfied upon examination that she was a deserving person and that her Husband was following a lawful occupation in San Francisco or any other part of California—

H. S. Gates was appointed to take in custody Hamilton Taft & to deliver him to the constituted authorities of Placer County with all the evidence.—

David Howe gave receipt for Fifteen hundred & twenty eight dolls. $^{50}/_{100}$ the amount taken with the said Hamilton Taft.

No other business being before the Committee adjourned

[Signed] W^{m} C Graham
Sect^{y}

Minutes Wednesday Evening July 16. 1851

At a meeting of the Executive Committee held on Wednesday evening July 16th 1851 Present Payran, Gorman, Bromley, Huie Woodsworth Ward Garwood. Schenck. Wadsworth, & Graham

(M^{r} Woodsworth President of Gen^{l} Committee Present)

The meeting being called to order by the chair it was proposed that the case of Le Brass—Goff and all other matters be laid before the General Committee—

No other business being before the meeting adjourned to Gen^{l} Committee room

[Signed] W^{m} C Graham Sect^{y}

MISCELLANEOUS PAPERS

[*Appointment of H. S. Gates as Custodian of Hamilton Taft*]

Executive Chamber July 16th 1851

To H. S. Gates Esqr.

Reposing especial trust and confidence in your patriotism and integrity, we intrust to your especial care one Hamilton Taft, charged with having committed a robbery on David Howe, William Howe, Joseph Howe, and John Moulton of Gold dust, whom you will deliver to the constituted authorities of Placer trial of Prisoner, then to deliver to any other authorities legally constituted for the trial of offences committed in said Placer County and herin you will fail not.

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[1] *Adirondack.*

Done this July 16th 1851

Stephen Payran
Presdt of Ex Comt—

Wm C Graham Secty
true Copy W L B [Bromley]

[*Receipt for the Body of Hamilton Taft*]

We David Howe and Benjamin Jenkins both of Placer County in the State of California are held and firmly bound to Selim A. Woodsworth Chairman of the Committee of Vigilence of San Francisco in the sum of One thousand dollars, that they or either of them will assist H. S. Gates one of the said Committee in delivering the body of one Hamilton Taft charged with robbery—with having robbed David, Joseph and William Howe, and John Moulton of the sum of or about Two thousand three hundred dollars, (of which money the said David Howe has receeved of the Committee \$1528. $^{50}/_{00}$ all that was found on said Prisoner) to the properly constituted Authorities of said County and there to be tried according to the Laws of the Commonwealth of California, in such cases made & provided, in default whereof, the said David Howe and Benjamin Jenkins shall and will pay the sum of One thousand dollars to said Selim A. Woodworth for the uses of the said County of San Francisco.

In Witness whereof the said parties have hereunto set their hands this 16th July 1851

Attest S Payran

[Signed] Benjm Jenkins
" David Howe

[Endorsed:] July 16th 1851

[July 16, 1851]

Received of the Committee of Vigilence of San Francisco the sum of Fifteen hundred and twenty eight dollars $^{50}/_{100}$, taken from the Prisoner, and whereas said Committee send with us H. S. Gates Esquire to deliver said Hamilton Taft, to the constituted Authorities of Placer County; will pay the expenses of said Gates to and from San Francisco

Attest S Payran [Signed] David Howe

Complaint of Field J Lamm & James F Hill. July 16th 1851

Fidel J Lamb About one month since a man by the name of Alexander Chapman took from me out of my trunk about 900$ in dust—about 9 miles above Sacramento City—Chapman is about 5 ft 7 in high—light Brown hair—hair long—Light Blue eyes—full fleshy face rather square face fresh color—Whiskers surounds his face but rather scattering—upper lip shaved—about 26 years old a native of New York last from Illinois—dress common white hat drab Col Monkey Jacket —Velvet Collar. Bluish patteloons pr grain Boots—no vest has a mark upon the back of his wrist.—weighs about 160 lbs—high square shoulders, short neck, not very full breast—stands straight & hollow back

I reside 9 miles above Sac City on the East Bank of the river direct to Southern House Sac City.—Care of Moses Almey—

[Signed] Fidel J. Lamm [?][2]

James F Hill— About the last night of June a man by the name of Alexander Chapman took from me about 1000$ & one Galvanized Watch valued at 80$.—all of coarse gold—there was some Specimens.—one specimen about 2½ inches long small in the middle & pointing off at one end weighing 32½$.—another round piece weighing 80½$. another piece 6oz & 50c. another weighing 103½$. rounding—all the rest in gold from 2$ up to 10$.—one of the Bags was small in the middle & large at both ends about 6in long & my name in this purse—

[Signed] James F. Hill

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[2] See also p. 355, where the name is plainly Lamm.

[July 16, 1851]

[*Petition for the Landing of Mrs. Pointer*]

San Francisco July 16th/51

To the Committee

John Pointer of this City. respectfully applys. for a *Permit.* to get his wife from the Ship *Aderondus*—this afternoon

We the undersigned know the above named Pointer to be a good, honest and peacable man—

[Signed] S Burgein No 415
" Richd Horton 535

THURSDAY, JULY 17, 1851

MINUTES

Minutes Thursday, Evening July 17th 1851

Ex. Committee room July 17th 1851

Evening Session

S. Payran Pres

Jas F. Curtis Secy pro tem

Present Chas Brinley W. L. Bromley I. Bluxome Jr Ryckman Schenck Wadsworth G. Oakes

Communication received from Grand Jury thro' Mr. Tufts member of V. C. requesting information as to what evidence we have against T. Belcher Kay—A number of names were handed Mr. Tufts to present the Grand Jury as witnesses to appear before them.[1]

Mr E. Gerry Austin appeared before us, to state he had been requested by Mr Atkinson to appear as his Counsel in suit of Metcalf vs Argenti, Atkinson & others—but wished it distinctly understood that he does not Volunteer his services either to Mr Atkinson or to the V. C. or to any member of the V. C.—

He states that he is willing to appear as Counsel for Mr A & that he will make a bargain with Mr. A. as to the charge for professional service rendered—

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[1] Eight members of the Committee served on the grand jury for the July term, and there was cordial co-operation between the two bodies, which were thus closely and curiously related. The *S. F. Herald*, July 21 and 28, noted two occasions on which they met in consultation over cases in which they had a common interest. See also Minutes, July 19, p. 298.

The propriety of libelling all ships bringing into California convicts from Penal colonies, was discussed by Mr. Payran, Brinley Spence & others

On motion adjourned

Attest James F. Curtis Secy

MISCELLANEOUS PAPERS

Receipt for the Body of Francis Le Bras

Received of Mr Wethered & Mr J S Egan body of Francis Le Bras (from the Vigilant Committee

July 17th 1851

[Signed] John C Hays
Sheriff

[Endorsed:] Filed July 17 1851

[*Statement of Charles Marsh Concerning John Goff*]

July—17

Charles Marsh— I am certain this man in your presence is John Goff.—that was assigned to Judge Forbes.—I will swear to it & will bring witnesses to swear to it.—

[Signed] Cha^s Marsh.

Formerly Steward for Mr Richard Bourke at Sydney & Paramatta.

To Sam^l Brannan, relating to F Pixley.
Sacramento July 17. 1851

Sacramento July 17th/51

My dear Sir:

Since the confession of Stewart has been made public, I have had repeated conversations with Judge Hyslop[?] of this city who has on each occasion asserted, that during the sojourn of F. M. Pixley here, he was for several weeks an occupant of his office, and for a portion of the time, had his private quarters on board the "Prison Ship" and during that interval several prisoners escaped

Judge H. further asserted that Pixley's character has frequently been called in question by persons who knew him at Detroit

During your stay in town I would suggest that you call on Judge H. his high character will give to his assertions sufficient strength & corroborate any circumstantial testimony in your possession to the prejudice of Pixley

Faithfully &c . . .
[Signature illegible[2]]

Saml Brannan Esq
[Addressed:]
Samuel Brannan Esq
Present

FRIDAY, JULY 18, 1851

MINUTES

Minutes Friday Evening July 18th 1851

Executive Committee Friday evening 18th July—

Present—Ryckman, Ward, Spense, Ellis Huie, Woodworth. McCahill. Bromley Wadsworth. Turner. Schenck. Mellus Coleman. Curtis. Brinley. Bluxome.

Mr Ryckman in the chair

On Motion

Resolved That a committee of 3 be appointed to examine "Jimmy from Town" J. C. Ward J. F. Spense A. J. Ellis appointed said Committee[1]

A communication was rec'd from J. L. Van Bokelin chief of Police in relation to a controversy between him and S. Brannan Esqr—

On Motion *Resolved*

That the chief of Police have the direct control of all prisoners subject to the instructions of the executive committee

---

[2] The frequent miscarriage of justice in the courts, and the immunity from punishment of the most notorious scoundrels, had created, in some quarters, a resentment against the entire class of criminal lawyers, which is well illustrated by the publication in the *Alta California*, June 15, 1851, of a communication from "J. A." who maintained that lawyers ought not to undertake the defense of men whom they knew to be guilty. It is possible that the writer of the document printed above was somewhat influenced by the same spirit, and the fact that the signature is quite illegible impairs the value of the letter as a reliable criticism of Mr. Pixley's course of action.

[1] Jimmy from Town had been arrested July 16.

On Motion *Resolved*

That the order rec'd from Stuart for $500 drawn on F. M. Pixley together with the a/c current be placed in the hands of the public administrator

Information rec'd about Belcher Kay—

On Motion *Resolved*

That Mr Brannan be requested to appear before this Committee and state his reasons for letting the prisoner Dabb go—

Report of Doct Gates about Hamilton Taft with a receipt for said Taft—*Resolved* That the report be accepted

On Motion *Resolved*—

That the thanks of this committee be tendered Doct Gates for the manner in which he executed his orders in regard to Hamilton Taft—

Resolved

That a committee of 4 be appointed to go on board the Bark *Wenham* to bring to this room a man suspected to be a thief

Resolved That Mr Brannan be invited to remain in the room the balance of the evening

Jack Arrentrue's woman will give evidence against Belcher Kay[2]—

Resolved That this committee give all the evidence they have against Belcher Kay into the hands of the Grand Jury

Resolved That a committee be appointed to wait on the Sheriff and inform him that Mrs Hogan is about to leave this port on the Brig *Cameo* within 12 hours—Committee, Brinley, Woodworth & Spense

Communication of J. W. Gregory rec'd and ordered on file and the thanks of this committee be tendered Mr Gregory for his offer

Resolved That an order for $100 be drawn on the treasurer for the passage of the prisoner Wright[3]

Resolved That an order be drawn on the Treasurer for $25 for payt of passage money of a witness from Sacramento City[4]

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[2] Harriet Langley, or Langmead, testified before the Committee August 12. See p. 456.

[3] See voucher No. 5, p. 772.

[4] See voucher No. 6, p. 772.

MISCELLANEOUS PAPERS

[*Letter from the Chief of Police Case of Dab*[5]]

Friday July 18th 1851

To the Members of the Executive Committee of V. C.

Gents It becomes my duty to Report to your body an act of insubordination on the part of Samuel Brannan last night between the Hours of 10 and 12 Oclock

The Charges are

1st A direct disobidience of an order that no one member should leave the room without permission of the Chief. and when forcing himself by the guard at the door was stoped by the Chief when He S. Brannan said he would shot if I did not release my hold & using loud & improper language.

2nd He declared that the Chief should not act on his own judgment, in disposition & confinement of Prisoners, without its meeting in one case his S. Bs views, and by loud talk set at defiance the authority of the Chief

3rd That without, Consent or Knowledge of the Chief of Police he Brannan did Clandestinaly remove from Custody of this Committee & the Chief a Certain Prisoner named Elleard alis Dab who had been handed over to the Chief by Chas Miller a member & and two Gentlemen from Marysville, and that said prisoner was out of room & custody 3 or 4 minutes before I was aware of the fact

In refference to the foregoing charges I would state that many excuse his conduct, under various pleas.

I would ask if it is the desire of this body that an officer in discharge of his duties should subserve himself to the capries of any one member

In discharge of my duties I know no man or men, my orders are given to apply to all and the duties entailed upon me demand implicit obedience.

It is said by some that I assume authority & powers that were never delegated to me wherefore I should desire to know if I have overstepped my authority or not.

I deem it requisite that at all times there should be a superior power present, whose orders are to be imperative & beyond question

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[5] See note 14, p. 227.

To answer every question and satisfy each one when I am transacting business I deem inexpedient & impolitic, wherefore I have at times acted without satisfying numerous members who seem to claim a right (which I do not acknowledge) to know the why & wherefore, of my private movements in relation to prisoners & other matters.

The question to be decided is what is my power is it superior to a private member, and are frivolous pleas for a mans improper conduct to frustrate the objects & order & defeat the ends & well being of this Committee

In addition I would suggest that a Superior should have orderly quiet & prudent deputies in view of which I suggest that Wm H. Jones be relieved from office of Deputy Marshall as I deem him unqualified to hold the office[6]

Your attention and action on these subjects I would request this evening, and that you will lay the subject before Committee of the Whole

Respt Yours
[Signed] J L Van Bokkelen
Chief of Police

[Addressed:]
To the Executive Committee
from Chief of Police

[*Report of Door-Guard, July 18th*]

Sir After receiving yr orders last night not to allow any person to pass out until yr return I refused egress to every applicant including members of the Exc. Com. & the gentlemen from Marysville. My so doing caused an excitement among a portion of our members some of whom swore that they would go in spite of yr orders; a portion got so warm that at one time I thought force would be resorted to. I proclaimed that I would pass anyone who would get an order from the E. C. Mess Eagan Battelle Miller Gates & Winter procured the annexed & came to the door in a body accompanied by W H Jones who exclaimed as Battelle handed me the order "there my influence got it." I opened the door for Battelle but before I could read the remainder of the names Jones passed through & was beyond my reach ere I ascertained that his name was not on the list.

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[6] Jones was excused from his position on July 23 (p. 339).

Mr Brannan two or three times insisted on passing. The last time he came to the door accompanied by one of the prisoners—You were then in the room & I referred him to you. He denied my right to keep the door closed & *in not particularly polite language* asserted that no such orders had been given as I alledged that I received—My reply brought you to the door & you know what then transpired. But as you may wish to make a report to the E. C. I state that Mr Brannan came to the door with the prisoner & that when I opened it according to yr orders to let out some whom you said might pass Mr B pushed the prisoner out & attempted to follow himself but was prevented by your taking hold of him. There then was a rush made to the door but Mr Loomis & self kept them back until you allowed Mr B to go; when the doors were ordered opened for all hands—

Yrs &c
[Signed] Daniel J Thomas Jr

Committee Room July 18. 1851
To J L Van Broklin Esq C. P. Com. Vig.

[Annotated:] The above report from the guard at Door is reffered to Executive Committee J L Van Bokkelen

[Addressed:]
J L Van Broklin Esqr

[The following Order is attached by a wafer to the foregoing letter:]

Mr Battelle Mr Eagan Mr Miller Doct Gates have been on duty for two days and wish to go home
please let them pass
[Signed] A J Ellis

To the Door Keeper
Permit C Winter to pass [Signed] Geo J Oakes

[*Receipt for the Body of Hamilton Taft.*]

Sacramento July 17th 1851

Received from the hands of Doct H. S. Gates the prisoner

Hamilton Taft and the accompanying evidence in the case of Robery as taken before the V. C. of San Francisco

Which we agree to hand over into the hands of the proper authorities of Placure County Cal. for Trial

[Signed] Benj^{m} Jenkins
"[?] Joseph A Howe
" " David Howe

[*In relation to the "Wenham"*]

To the Honorable Vigilant Committee of San Francisco

Gent We have now on board Barque *Wenham* a thief as also a crew of the most *desperate villians,* as I am informed by my officer who are armed and from the fact that they have taken a pistol *from them* I request your attendance *forthwith.* And you may selact some of the larks your honorable body is in continual watching for this man has been robbed of gold dust and other articles. for the further information I refer him to you he has identified a man as the thief lately arrived from Calleo

Come off and you may get a subject you have been long in search off

Very respectfully &c
[Signed] Henry Galt

[Annotated:] The Chief of Police will despatch four men to bring above man on shore

[Signed] G. W. Ryckman
Pres. pro tem

[Addressed:]
Honorable Vigilant Committee
Present

[*Statement of F. L. Jones in Relation to Whittaker*]

F. L. Jones a Painter in Jackson Street a few doors above Kearny says that he saw a man this afternoon, who works along side of Whittaker in the Mines—

Jones will put us in communication with this man who agrees to go with any of the members of the Committee to the place where Whittaker is now working—

Whittaker has made his boasts to this friend of Jone's of his past life, connexion with Mrs Hogan &c—

"Vigilance Committee"

San Francisco July 18th 1851

Mr Wm. M. Hogg No 220 and Mr James Wethered No 299 will vouch for the character of Mr Jones

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SATURDAY, JULY 19, 1851

MINUTES

Minutes Saturday Morning July 19th 1851

At a meeting of the Executive Committee held on Saturday morning July 19th 1851.— Present Payran—Ryckman—Huie—Schenck—Spence—Huie Bluxome—Coleman—Curtis—Gorham—Bromley—Garwood—Oakes—Mellus—Graham

A complaint having been lodged against one Alexander Thompson by Mrs Gamble that the said T. had in the name of the V. C. threatened the said Mrs Gamble & husband with expulsion from San Francisco—it was ordered that the said Thompson be brought before this Committee.—

About 11 OClk the Committee was informed that the Grand Jury were in waiting they were introduced into the Committee room—for the purpose of a conference relative to one T Belcher Kay—

An order was issued (upon information received relative to Mrs Hogan) that a Committee be appointed to visit the Brig *Camio* for the purpose of bringing on shore all the effects of the said Mrs Hogan and any others concerned with her & to arrest her other confederates & bring them to the Committee room.[1]—

Alexander Thompson having been brought into the Committee room underwent an examination, records of which is upon file,—and his case deferred untill the witnesses can be produced.—

Eugenio Gazales was brought before the Committee on a charge of Highway robbery at or near Sonora, one witness was examined as per record & the prisoner ordered into Custody to await further witness from Sonora.—

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[1] See note 30, p. 234.

The witness in the case of Thompson were further examined, & it ordered that the chairman reprimand the said Thompson and that he be discharged

[Signed] W^{m} C Graham
Secty

Adjourned

Minutes Saturday Evening 19 July 1851

At a Meeting of the Executive Committee held on Saturday evening July 19th 1851. Present Payran—Bromley—Wadsworth — Ryckman — Bluxome — M^{c}Cahill — Spence — Curtis —Graham—

The Meeting having been called to order a communication from Flavel S Mines was read and ordered to be filed with the paper of the Committee

On Motion a committee of [. . .] was appointed to ask permission from the Rev^{d} F S Mines to publish the same Messr^{s} M^{c}Cahill & Raykman were appointed [with] a communication to the Committee.—

On Motion resolved the same be read to the Gen^{l} Committee—

Mr Oscar Smith returned the bond signed by P Jas O. C. White & stated that the prisoner with a receipt for the passage money—

On Motion resolved that the meetings of the Ex Committee shall be held every evening at 7 O.Clk—but can be convened at any other time by proper notice being given— adjourned

[Signed] W^{m} C Graham

Minutes of General Meeting July 19. 1851

Mr Selim Woodworth in the Chair

Letter of the Rev'd Mr Mines in answer to Ex Committee—read—and ordered published—

On motion

Resolved—That every member of the Vigelant Commt hand to the Treasurer—the moneys collected by them for the completion of the County Gaol

On motion Mr Bromley

[July 19, 1851]

Resolved That a collector be appointed to collect the fines now due this Committee Robert Wells Esq appointed

On motion Mr Curtis

Resolved That the Committee appointed for the investigation of the manner in which the moneys appropriated for the building of the County Gaol have been spent—have further time to report—

On motion Mr Woodworth

Resolved That the Secretary draw off the Standing rules of this Committee and post them in the room—

On motion Mr Curtis

Resolved That a Committee of three be appointed to inquire why—and by what authority the Prisoner Dabb was discharged Committee Mr Curtis—Mr Payran and M Petrowich

On motion of Mr Thomas—

Resolved That the Ex Committee define the duties of the Chief of Police—Assistants—and deputies and Sergt at Arms & Assistants also how many members of the Ex Com shall have power by their written order to set aside or revoke the orders of an officer of this Committee—

On motion of Mr M^cDuffie

Resolved That all members detailed for duty and are absent from said duty shall be fined the sum of Five dollars which shall be collected and claimed by the person doing said duty by having the approval of the Sergt at Arms—[2]

On motion Mr Jones

Resolved That there shall be two stated meetings of the Vigelance Committee of each week—on Tuesdays & Saturdays to convene at 8 P M

The Ex Committee report that in the case of one W^m Thompson[3] Jr (upon whose oath) a writ of Habeas Corpus was issued be indicted for Perjury—

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[2] A draft of this resolution, signed "No. 60, Member of V. C." [S. B. Marshall] is dated July 15.

[3] On July 11, the day Stuart was hung, William Thompson, Jr., made affidavit that Kay was restrained of his liberty and imprisoned by a great number of people who styled themselves the Vigilance Committee, and, on his petition, Judge Murray issued a writ directing Sheriff Hays

On motion

Resolved That the a/c current together with the order of Eng Jim alias Jim Stuart be given to the Public Administrator for Collection—

On Motion Adjourned

[Signed] I Bluxome Jr
Secretary

MISCELLANEOUS PAPERS

[*Communication from the General Committee to the Executive Committee*]

To the President of Ex Committee

Sir The following Resolution was passed at a general meeting of the Vigilance Committee held July 19. 1851

to wit—

Resolved—That the Ex Committee define the duties of the Chief of Police—Assistants—and deputies—also the Sergt at Arms and Assistant—also how many members of the Ex Committee shall have power by their written order to set aside or revoke the orders of an Officer of this Committee—

[Signed] I Bluxome Jr
Secretary

San Francisco July 19. 1851

Alexander Thompson. Statement

Alexander Thompson— I am a native of Scotland I came from New York, I came in the *Philip Hone* Capt Mitchell, about two years since, I have been in business for myself as a Baker—I carried on business with a Mr Fleming at a place called the Boston Bakery—when I came to S. F. I went into Mr Taylors Bakery, I worked there two Months, after that I went to the Mines, at Deer Creek, I was four days altogether at the Mines, I came down to Sacramento I worked at Sacramento with a Mr Taylor a Baker I worked for him 3 or 4 days—I was sick at Sacramento about a Month, and then came to S. F. I then

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to produce the said Kay in court. As Kay had never been in its custody, the Committee influenced the grand jury to indict Thompson for perjury, but the charge was dismissed on a technicality. *S. F. Herald*, Law Intelligence, August 11.

[July 19, 1851]

went to my old Boss M^r Tailor, I worked for him about five weeks—I then went on a schooner a Mexican schooner that run betwixt this & Stockton do not know the Capt's name, I went in her one month, I then went to work at a Bakery at Stockton I do not recollect the man's name, I worked about a Month I then came to S. F. I then went to work for M^r Fisher a Baker in Jackson Street, I worked for him about five weeks—I then worked for Kennedy & Hunter Bakers in Pacific St—I worked for them four months—I worked about long shore a good bit, any kind of work, I worked as a Lighterman I boarded with one Morris near the Brewery in the Valley—I worked along shore about two months I then went to work at M^r Joseph's Bakery

I worked for him about three weeks—M^r Fleming & myself bought out M^r Josephs—we gave him about $300—We carried it on nearly two months I was in Joseph's Bakery for two months, which was up to the Fire of 14 June 1850, Fleming gave me $500 for my Interest in the business—I knocked about the City for a day or two, I then went to M^r Howard and rented a piece of ground on Mission Street I built a Bakery—I kept it nearly three months I sold the Bakery to M^r Watson for $300—I then got married in the month of October to one Miss Marr a Native of Port Philip, I loaned her father $300 to build a House called the Bull's Head, near the Iron Foundry—I kept a Bar in it for a long time, nearly two months, my wife & her mother could not agree, so I took my wife and hired the Boston Bakery—I kept that about one month, I then took my wife and went up to M^r Tailor's the Baker—I was there three weeks—I then took my wife and went down to one M^r Frawley in the Valley (Pleasant Valley) keeps a Liquor store I was there about two weeks—I then worked at a Bakery at Rincon Point, for four or five weeks—I rented a House there and live there four months I then rented the place where I am now on Mission Street next to the Station House, I do no business my wife takes in washing, I worked two or three days at Donnohue & at M^r Morris's—there was a little Company in my House, one called Thomas, James Paddy—Jake, my wife and myself, there was a dollar laid on the Table by one of the Company to buy something to drink but my wife would not let me take it, &

I got mad and went out I then went up to one Gamble's in Broadway in a House on top of the Hill near Hyde Street, professes to be a Horse Doctor, and his wife washes, I went to Gambles about a girl, I did not go into Gamble's House I saw the girl there, and she got high against the Country I also saw Gamble (he is from Sydney) came in Barque *Gloucester* with my Father in Law, I then came down & met my comrades whom I had left at my House at the Corner of Pacific & Montgy I drank with them, I with them went to Major Tailor's the Baker and drank a glass or two, I left there, and parted with my Companions or rather we lost each other I then went into a sale in Sansome Street, I looked on and left, I do not know where I went, yes I recollect I went into the Eagle Saloon Kearney Street, I got into talk with a girl there who was a ship mate of Goffs—after which I went home I never was a member of the Vigilence Committee, nor did I ever go into a House and examine it, nor state that I was such a member

Report of A J M^c^Duffee
in behalf of Committee to Stockton for Whittaker

To the Executive Committee of the Committee of Vigilance
San Francisco

Gentlemen The Committee appointed to go in persuit of one Whittaker respectfully beg leave to Report

That they left here on Monday P. M. and arrived at Stockton Tuesday A. M. when they ascertained that a person supposed to be the said Whittaker had left Stockton for the Southern mines on the morning of the 10th inst Your Committee at once procured horses and a carriage and proceeded to the Chinees Diggins, where they supposed they would learn something of him. not being able to do so your committee proceeded to Woods Diggins James Town, George Town, Shaws Flatts and Sonora. At the latter place they learned that a man had arrived there and had offered a horse and cart for sale but your committee wer unable to obtain information to satisfy them the the person was the man they were in persuit of[4]

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[4] For the expenses of this trip see voucher No. 11, p. 773.

Your Committee took a letter from the Secretary of the V. C. of Stockton to the V. C. of Sonora. the Committee of Sonora called a Meeting and waited upon us to tender us any assistance in their power and invited our presence at the meeting. After the exchange of compliments your committee gave the Committee of Sonora a full description of the man Whittaker and we have no doubt that he will be taken by them subject to the order of the Committee of San Francisco should he be discovered in that vicinity—

Having attended to the duties assigned them to the best of their abilities your Committee beg leave to be discharged

[Signed] A Jackson M^c^Duffee
in behalf of Committee

San Francisco July 19. 1851

Basques Testimony in relation to Gonzales

Firmin Basques.— Live in the Chilean Camp close to the place where the man is said to have been robbed—and I know him—I am a merchant—Know Eugenio Gonzale to be a good man—have known him two months—Know nothing of his having had a difficulty with Police further than that being drunk, he was shot at wounded by a Policeman, and was cared [for] at Dry Camp—Gonzales is a pedler—I am from Tepic, and some townsmen of mine know him well and from this circumstance I came to know him—also—Know nothing of the robbery whatever, further than that W^m^ Scott who has a shop in the Chilean Camp, told me that a man had been robbed by two Mexicans and an irishman— I think the affair took place about 8 days ago—

[Signed] Fermin Vasques

In the Matter of Eugenio Gonzales chg^d^ with Robbery

Eugenio Gazales— I came from Sonoro to S. F. last night the 18th July 1851, on board the *Webber* I was at Sonoro three days, doing nothing, I went from St Francisco to Sonora to sell clothing, not having money to pay for a License to sell goods I came to St. Francisco, the money taken from me $68 12/100 a friend gave me to purchase goods at St Francisco, I received the wound in my back about one month ago, one night coming out of my Tent several shots were fired at me and one took effect

[Annotated:] Prisoner ordered into Custody

J. A. Kidd There was a man robbed between Sullivan's Creek and Sonoran camp by two Mexicans and an Irishman, he said they had taken 76oz of gold from him, they tied him; the Irishman was about 6ft and over red Hair and red Whiskers, the Mexican who assisted to tie the man was of middle size scar under left eye, had on a Panama Hat, the Boy appeared to be a half blood Mexican

The man went to Sonoro and gave a description of the men, when he gave the description of the Mexican, the Sheriff named him at once as Gonzáles,

[Signed] J A Kidd

Attest S Payran

I would state that I know the same facts

[Signed] Luther F Frazer[?]

[Annotated:] Prisoner discharged on 25th July. Ex Committee Minutes

[Endorsed:] Prisoner in Custody order sent to Sonoro

Report of the Treasurer, Mr Delessert

This is Saturday—the evening apointed for payment of Jail's funds—the amount received is $3,585.30c brought by 96 members out of 623

[Signed] E. Delessert
Treasurer

[*Letter from R. C. McIntire and A. J. McCarty*]

San Francisco July 19th 1851.

The Members of the Vigilant Committee.

Gentlemen. Our names having been presented to the public thru' the confessions of one James Stewart to your Committee in such a manner as to reflect much discredit upon the character we have heretofore borne here and elsewhere—We have to request that you assist us—by the examination of such testimony as we may submit—and such as you may be possessed of—in placing ourselves respectively before the community as maligned and injured men—resting secure as we do in our entire innocence of any participation in the charges heretofore made against us.[5]

We have the honor to be
Very Respectfully,
Your Obt Servants,
[Signed] Robt C McIntire
" A J McCarty

[Annotated:] Recd. F. C. L. Wadsworth ordered to inform the writer that no charges were prefered as yet

[*Letter from Col. J. D. Stevenson*]

S. F.—19 July 1851

The bearer Jos. Mark is the man who detected and convicted the man Watkins for breaking into my office. He thinks he knows Jimmy from Town and perhaps some other of the *Gang*

I would suggest that he be permitted to see them without having any Communication with them I will vouch for his fidelity

[Signed] J. D. Stevenson[6]

A J Duffy Esq
Sgt at Arms of Vg Comt

[Annotated:] Can be found at Col Stevenson, Thomson Pier —G. M. G. [Garwood]

[Addressed:]
A. J. McDuffy Esq.

[*Offer of Service by Gregory's Express*]

The facilities of Gregory's Express is tendered to the Committee will at all times ready to forward correspondence between this, & other Committees of Vigilence in other Cities throughout the State.

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[5] The following card was printed in the *Evening Picayune*, July 18: "Messrs. Editors:—In the 'confessions' of the man Stuart, hanged by the Vigilance Committee, we see two of the blanks left in the previous publication filled now by our names. We pronounce the charges preferred against us *absolutely false*, and challenge any *living* man to prove them in the slightest particular. The man Stuart is dead, and unless the charges he made against us can be substantiated by living witnesses, it would certainly be very unjust for us to suffer in the estimation of our friends or the community. We appeal to the justice and good sense of the public to set us right in this matter.

[6] See note 4, p. 208.

respectfully,
[Signed] J W Gregory

Committee Room July 19, 1851

[Annotated:] Ordered on file and a vote of thanks in writing tendered to M^{r} Gregory &c

[Addressed:]

The President of the Executive Committee of the Committee of Vigilence

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[*Bond given by Captain White*[7]]

July 17, 1851.

Know all Men by these Presents, That I, P. Jas. O. C. White, captain of the brig *Cameo*, bound for the port of Sydney, New South Wales, am held and firmly bound unto the commonwealth of Upper California, United States of America, in the sum of two thousand dollars, upon this condition: That I will deliver the body of one Alexander Wright, a convict, who has this day been put on board of my brig by the citizens of San Francisco, and for whom the Vigilance Committee have paid me the sum of one hundred dollars for the passage of said Alexander Wright to the aforesaid port of Sydney, dangers of the sea only excepted; and that I will present him to the authorities there, and not return him again to California, nor land him during this voyage at any intermediate port.

Witness my hand, this 17th day of July, 1851.

P. J. O. C. White.

In presence of A. Oaksmithe and Robt. S. Lammot.

SUNDAY, JULY 20, 1851

MINUTES

Minutes Sunday Evening July 20th 1851

At a meeting of the Executive Committee held Sunday Evening July 20th 1851. Present Payran—Gorman—Garwood—

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[7] This paper, missing from the files, is reprinted from Bancroft's *Popular Tribunals*, I, 302.

Wadsworth—Schenck Bluxome—Graham—Huie—Curtis—
Ryckman Mellus—Bromley—Oakes—Ward—Woodsworth

On motion Mr Wadsworth was appointed to enquire whether T B Key is now at liberty, and report to this Committee—

A letter was recd from the Revd Dr Mines giving his consent to the publication of his letter recd last evening—& that said letter be placed on file

Isaac Bluxome was appointed to get proof sheets from the *Herald* of Dr Mines letter & hand the same to the *Alta & Courier*

The Committee then went into the examination of Silvanus Everson for the Robbery of a Watch from the Eureka Hotel, after a short examination the Prisoner was honorably discharged.—

The Committee then went into the examination of James Burns alies Jemmy from town. records on file

Adjourned to Monday Morning

[Signed] Wm C Graham
Secty

MISCELLANEOUS PAPERS

Flevel S Mines. San Francisco 19th July 1851.

San Francisco, 19 July '51

Gentlemen!

I have looked carefully over the letter you have requested for publication, &, seeing nothing in it that I can wish to alter, return it as it was written, when no eye but yours was expected to see it. It is only the facts, on which none of its expressions are predicated, that I could wish to see altered—*they* can be altered, only under the blessing of God, at the next elections, by the uprising of an indignant multitude yet left among us, who have not entirely lost their regard for decency & law, & for the moral & true welfare of their adopted country.

The letter is therefore at your disposal.

Very respectfully &c.

[Signed] Flevel S Mines

[Addressed:]
To The Committee &c &c &c
Present

[*Letter from Dr. Mines relating to Stuart*]

[From the *S. F. Herald*, July 21, 1851]

San Francisco, July 18, 1851.

Gentlemen,— I beg to acknowledge, and I do so with many thanks, the kind communication of the 12th instant, received on the 15th, wherein you are pleased to notice the services recently rendered by me on occasions of great solemnity, doubtless as trying to you as to myself.

On one of these occasions, I regret to say, to all human appearance, my ministrations were not of the least avail.[1] The unfortunate man, whom I had exhorted to depart this life with the prayer of Saint Stephen and of the penitent thief on his lips, employed the last moments of his earthly life, at least so long as he could speak, in exclamations of indecency, revenge, and blasphemy. I never before had seen the man that came so fully up to one's ideas of a being "given over," and no longer able to control the evil influences he had drawn around him, and it is risking nothing to say, with our knowledge of the laws and processes of the human mind, that the condition of mind in which I found and left him, could not have been attained but by a long-continued course of sin and crime. The dominant passion of his dying hour was the vindictive, which I labored without the slightest avail to soften, warning him how unsafe it would be to appear before God with so dark and deadly a passion rankling in his breast. But the fearful passion seemed now inseparable from his being, and he passed away apparently an unresisting prey to the evil influences he had gathered around him in life. I beg however to say, in correction of the report that he was insolent and rude, that he treated me personally with all the respect I could have looked for, and at parting said, "I am much obliged to you; God bless you!"

Much less is it true, that the man Stuart, (whose real name has not been given to the public,) received me rudely. When I first proposed to him my services, he did indeed insist that "it was not worth while." "I," said he, "have not thought of God for fifteen years; and I cannot expect that He would think of me in the few moments that are left me now. If there are everlasting burnings," he added, "I expect to go to them, for I have led the life that must take me to them." I reminded him that the fires were in his own breast, and if, in the moments left him, he could extinguish or subdue them by the tear of repentance and the blood of the Lamb, he might yet be saved. He said "it was too late; so great a work could not be done in so short a time." Besides, he hardly knew any longer, he said, whether the religion of his youth was true. After reasoning with him that the conviction of his mind, while it was yet unclouded by sin, and those of a large and excellent family (parents, he had told me, and eleven brothers and sisters), were more likely to be true than his, which had been darkened by a life of sin and passion; and after reasoning from the instance on the cross so like his own, and pressing on him the memories of his early baptism and youthful communions (as I ascertained) at the altars of his church, a change of thought and feeling appeared to come over him, greater and in a shorter time, than I had ever met with in my life before. At first, like Jenkins, he was vindictive, though certainly less sullen in his temper. At my second interview, he promised that he would try to lay aside the feelings in which it was so unsafe to die. At the third meeting (having left him a space to his reflections), he acknowledged the justice of his fate, and declared he could die without resentment and in charity with all, and that, with the crucified malefactor, he could confess that he received the due reward of his deeds, and could trust only in the mercies of the cross for pardon. As he declined my offer, twice made, to accompany him to his execution—although I should have persisted in going if I had supposed that such decorum would have prevailed—I begged him to renew those confessions in his last moments to those who might be near him; which I am gratified to learn that he did. As he died penitent, professedly and received the church's absolution, I afterwards desired the Coroner to have me notified of his funeral, that he might receive the rites of church burial. I did not get the notice.

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[1] Dr. Mines, rector of Trinity Church, attended both Jenkins and Stuart previous to their execution by the Committee. He was also called for Whittaker and McKenzie (p. 531).

I very much regret that I did not know of the suspicion of murder which, I now hear, rested on Stuart; for I am quite sure that if he had been put upon his conscience, he would have revealed to me information, to be made use of after his execution.

Long as this letter is, I cannot close it, gentlemen, without expressing the satisfaction felt, I do not doubt, by this whole community, and felt very deeply by myself, at the humane consideration of your Committee, in invoking the offices of religion on these trying occasions. The eternal world will undoubtedly bring more instances to light than the one recorded in the Gospels, in which, through God's unbounded mercies, good has triumphed over evil even in the last desperate moments of this mortal life. And while we so believe, we cannot hide from the eyes of the dying, however steeped in guilt, the light and healing of the cross!

May wisdom and moderation and a due regard to the dictates of humanity, continue to guide you in your difficult and self-imposed task! But, better still, may the day soon come when, in the judgment of all the good, the safety of our citizens and the restored tranquility of our city, shall make your terrible organization no longer necessary!—a result not to be looked for, we fear, until an outraged community, merging the trivial distinctions of political party, shall rise at the next polls and drive out profane and profligate, obscene and drunken ministers of law from their places, and raise men to power who have families and interests in the country, and at least shall be above suspicion and collusion with fiends and felons. It is really sickening to think how fair and beautiful might have been our world-renowned city, and how happy might have been its teeming population, where poverty is not known, and how much greater, too, that population itself might have been, this moment, and this in spite of all the felons in the land—if a purer ermine had rested on our judiciary and the officers and counsellors and makers of the law had all been decent men and above the influence of gold.

While it is to be hoped that these sad offices will be seldom required hereafter, yet, I beg to assure you, gentlemen, that in all cases, and especially such as like the two which have occurred already, are associated by the memories and ties of other days with the church to which I belong myself, my services will be most cheerfully and gladly rendered.

I am, gentlemen, very respectfully,

Your obedient servant,

Flavel S. Mines

To Stephen Payran, Esq., President of the Executive Committee and Members of the Committee of Vigilance Committee of San Francisco.

N. Brown. Statement [*Case of Emerson*]

July 20th.

N Brown *Sw*[*orn*] This morning at 8 o'clock I saw that the watch was under my pillow. I then dressend & was shaved at Barbers leaving watch under pillow, on my way back I found I had it not—on going to my room found 'twas missing—I mentioned the fact to proprietor of Hotel—He went to room & then said there was a man seen opening 2 or 3 doors in the house.—a boarder said this (the prisoner) was the man.— Eureka Hotel was the house

[Signed] N Brown

[Endorsed:] Sylvanus Emerson Honorably Discharged.

[*Emerson's Statement*]

Sylvanus Emerson: Am from Kingston Mass I arrived here 2 years ago the 2d Oct. next. Since then I have been to Marquesas Islands was 2d mate in Brig *Ceroaster* I returned here in September last. I have been to the mines at Shaw's flat now at Holden's garden I have interest in claim there. I came here on the morning of 19th—I put up at Eureka Hotel—I eat breakfast there this morning did not eat there yesterday.—Last evening I was disguised in Liquor.—I came across Dr Merritt—I then went into Hotel.

Josiah Lockwood. The man came for a bed appeared intoxicated he went to bed so—I knew he had some specimens he had pledged one with me. I advised him to lock his door.

A S Lum. One of the proprietors of the Eureka Hotel. There was a watch of Mr Brown missing—This prisoner came about ½ past 12 had no money, deposited specimen man got up at 5 o'clock—I afterwards heard there was watch missing. He left at 8 returned at 12—Was requested to come up Stairs—He denied having opened any doors. Might be under influence of Liquor He afterwards recollected he had been in those rooms for his hdks—He said he found his watch on nail & left.—

[*Letter from N. C. Skinner*]

Committee of Appeal

Gentlemen On 29th day of June I was detailed for Room Duty and was unavoidably absent—The cause was an urgent professional engagement which I was called upon to attend and could not leave the patient at the hours of duty—The *particulars* I gave to the Chief of Police who excused me at the time—But I see my name recorded in the Book of Fines—

I am
Very Respectfully
[Signed] N. C. Skinner

[Addressed:] 377
To Secretary of Committee of Appeal—

[*Order*]

The Sergeant at Arms will notify six members of the Executive Committee to be in attendance at 6 OClock P. M. of to day, to continue examinations[2]—You will please notify the members that the examinations will not be gone into until the Chairman & Secretary are present, being essential to connect the examinations taken with what may follow.

Respectly
[Signed] S Payran

[Annotated:] Gorham Huie Ward Graham Schenck Payran

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[2] On July 19 and 20 the Committee heard evidence from several important prisoners, and the long examinations recorded give this undated order special significance in this connection. The heading of the statements which follow combines three endorsements made on separate groups of the twenty-three pages of manuscript report.

[July 20, 1851]

Statements of Prisoners

Adams Jemmy from Town (Burns) Brummy (Ainsworth)
Harry Beck J. Marks July 19th & 20th 1851

William Wilson, I was arrested under the name of William Wilson, I was born in Juickham Buckinghamsire England, I left there in the year 1840, I left the Port of London, I left London in 1842 on Board the *Jane,* Capt Phillips bound to New Zealand my trade was Engineer and Millwright, I arrived in New Zealand in 1848, in the month of June I arrived at the Port Nicholson in New Zealand when I arrived there I went to work at my trade I worked there until 1850, I worked on Houses for Capt Ray until September 1850, in September 1850 I shipped on board the *Orion* with some Houses to put up in San Francisco to put up here for Capt Ray—I arrived in November last, when we came here Capt Ray could not put me on the Houses, I went to work for other People I went to work for a man by the name of Calcott in Happy Valley, I worked for a man by the name of Connolly a Shipwright, Connolly lived on the North Beach, he is dead, I left Mr Connolly about four months ago, since which I have worked for myself at making taps and Dies for screw Cutting, I made them for Calcott who worked for one of the large Engine Shops in Happy Valley kept by Calcott, I worked at this business for Calcott until within the last three months, I bought a Boat of a Man by the name of Kitchen, he, Kitchen then lived at Clarks Point, his name was William Kitchen.—I paid Kitchen $75 for the Boat, I bought provisions &c & went as far as Sacramento, the persons who went with me were, a man by name of Thomas Welsh, James Robinson, and myself—from Sacramento we went to Marysville, when we got there I was taken bad, and finally had to come back to Sacramento, I went to a place opposite Sacramento City on the American Fork, at this place there was a man by the name of Miner, one by the name of Thomas Brown, and Welsh—

—being confronted with Hays[3] *Prisoner denied everything,*

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[3] William H. Hays was under suspicion as a thief on his own account. His testimony proved so useful in identifying Adams, Burns, etc., that the Committee produced him in court at the time of the latter's trial (S. F.

until Hays asked him whether he recollected (it was about 3d of July) the Indians making a noise at the top of the Hills—when Adams asked whether it was not the 4th of July—

Examination in Chief resumed

My name is George William Adams—My statement about buying the Boat from Kitchen for $75 is false, Kitchen got my $75 and I did not get the Boat, I was taken by the Police for being concerned with Watkins in robbing Stevensons Office—they kept me some time, I broke out again, being twice that I broke Jail, I looked about in San Francisco for my clothes & Tools to go to work again, I could not get them while thus engaged they (the Police) took me the third time, put me in Prison I was waiting for the trial wherein Col Stevenson was Prosecuted, I made my Escape again I had not been tried, never have been tried for that offence, by reason of my escape[4]

There was a Boat taken from Angel Island by a man by the name of Watkins, I was accused of taking that Boat, I went into Mr Austin's House on Broadway near the Jail on top of the Hill, he told me that his Boat had been taken from Angel Island and thought that I had got it, I told him that I had not got it but thought [I knew] who had—he, Austin told me that if the Boat was of any use to take it and get away that I were hunted and would be punished for Col Stevensons robbery

I took the Boat from Watkins and took with me Jenny from Town (Burns) Welsh—a Boy Switzer, another by the name of James Moore, & [. . .] Goldsmith and went to Sacramento—my money was all gone all left me at Sacramento but Welsh

Welsh & myself went to Marysville, we went in the same Boat, myself Welsh and Hays and Jenmy from Town (who is now present before me). went in the Boat to Marysville—we all seperated each tried to do the best he could for himself I being sick Welsh came back in the Boat with me, there was some dis-

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Herald, July 29), but refused to give him immunity, as state's evidence and sentenced him to leave the state. See pp. 376, 418.

[4] The three escapes of Adams were reported in the *Alta California,* April 23, May 7 and June 3, 1851.

turbance between Hays and Jenny from Town, in consequence of which I and Welsh left them and came down to Sacramento

when I got to Sacramento I went opposite to Sacramento, where there is a House and two Tents, kept by Brown—the other was kept by myself—on Friday night the 18th we had loaded up the Boat with several Boxes & sails, Thomas Roundhead alias Ainsworth—assisted me, we intended to come down to San Francisco, and ship for Sea, before we could carry out our plans we were arrested by the officers—the Boat & Goods were taken from us[5]

[The following bill of sale is here attached to the testimony:]

San Francisco April 6th 1851.

This is to Certify that I William Kitchen sold to William Wilson one yawl boat painted black outside and green inside for the sum of seventy five dollars and I furthermore agree to warrent and defend the said property in witness whereof I set my hand and seal (seal)

[Signed?] William Kitchen
Witness Robert Nelson[6]

Upon being shown a receipt dated April 6th 1851 signed William Kitchen, & witnessed by Robert Nelson—Prisoner replies, that having been arrested before he had purchased a Boat from Kitchen, and not being able to get off and after Austin permitted him to take the Boat from Watkins, which Watkins had stolen from Angel Island, he got Kitchen to make a Bill of Sale for it as if he had bought it of him—Jemny from Town liberated me from Prison—he liberated me by my instructions, I unlocked the door of the Cell, and Jemny from Town cut through the wall with other help—the frenchman Goldsmith helped him—Jemny was a Prisoner at the same time, I unlocked the door and let him in—Switzer the Boy, who was a Prisoner gave me the key—I opened the Cell door and let Jenny from Town in who cut the Hole under the House by which we escaped—

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[5] The *S. F. Herald*, July 21, stated that Adams had been arrested on Thursday, the 17th, discharged, and re-arrested on Friday, the 18th.

[6] The signatures of principal and witness are in the same handwriting.

(*Being shown the Pistols, Chizel, Skeleton Keys*) states that he has seen them in Possession of Jemny from Town (Burns) and observed that they were strong proof I believe Jemny from Town was a thief—when drunk he always confessed the fact; he was not engaged with me the night I assisted in the robbery of Stevensons office, Watkins a Dutchman—& Marks—

[Adams' statement is continued on p. 319.]

Statement in the Case of Jemmy

My name is James Burn alias Jenny from Town I was born in County of Whitlow Ireland, I am 22 years of age I left Ireland fifteen years ago, I left in a Steamer & came to Liverpool, I then went to sea in an American ship called the *St Petersburg* —I went in her to N York back to Liverpool, then to New Orleans, & back to Liverpool & then left her—I then joined the *Susan Drew*, I was two years in her—I left her and Shipped on board the *Hamblin* made one voyage in her to New Orleans back to Liverpool, I then shipped on the *General Parkhill*, I left her in Charleston, and came on to Mobile, I worked some time about the Bay & sometime in the Steamboats, I run the U. S. Mail at Texas on the *James L. Day* Capt Reynolds left on the Steamer *Fashion* for Fort Labacca with Capt Fellon—I came to California fr. Chagres—I came on the *Tennessee* to S. F. about last April 12 mos—I left the Boat here—I went from here to Sacramento from thence to Mormon Island—came down to Sacramento, worked there awhile came down to San F—worked a little here—I recollect a Boat taken by Watkins from Angel Island, it was the same boat in which myself Slasher,[7] Goldsmith, W^m^ Welsh and George Adams and James Moore made our escape after we broke Prison—Adams opened the Cell Goldsmith & myself broke the Wall, the Burglars tools came into my possession three weeks ago and were given me by a young man by the name of James Miner, who lives at the Fremont House on J. Street Sacramento City to give to Adams—I did give them to Adams Adams took the Tools to Marysville, Adams and me fell out, we went up in a Boat, myself Goldsmith, Slasher, James Moore, George Adams & Billy Welsh and

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[7] The Slasher was an alias of Switzer. *Alta California*, June 29.

William Hays—I recollect being at Brown's opposite Sacramento, I staid there to keep from Adams—I helped Adams to escape from Prison under Adams instructions, I was in Town at the time of the Robbery of Col Stevensons office, I stopped at a womans House on Stockton street by the name of Gamble, she had a Husband, they were from Sydney—they then lived between Clay & Washington Streets in Stockton St, they live now at a place called Bagdad 15 Miles above Marysville—goes now by the name of Glover—this Gamble was accused of stealing (Jewelry) and I left the House—

July 20th 1851—Joseph Marks— *Jemmy from Town being brot in* I know the prisoner—by the name of James Burns—he was brot in the 3d District Station House for stealing a trunk—he had the close in a hdkfs on him they belonged to trunk—He was the man that was with Adams & Watkins on the Wharf near Stevenson's office—his alias is Jemmy from Town—

Cross-Ex—I saw prisoner in conversation with Adams

Prisoners questions—I saw you at night speaking to Adams—(*Adams brot in*) I know that Prisoner is George Adams—(*Prisoner says he knows Marks*)—first time I saw Adams Watkins thats now in Jail introduced me to him—told me at same time that he belonged to his gang that would like to have him go & assist at Stevenson's office—Adams went down one night & tried to open the front door but could not succeed—Soon after we went up onto the Square—we sat down before the California Ex:—he told me then 'twould be best to go down & try to get the impression of the keys of the office door.—& if I would come to his house next morning he would show me how to get impression—I went round—Watkins G. Adams & Seymour were all there together—Watkins went to room alongside the bar room & got a piece of soap—Adams went up stairs & got a bunch of 50 or 60 false keys.—he picked out a key & showed me how to take the impression of the keys.—Afterwards I went down to the office & took the impression as they had shown me.—I carrd piece of soap in my pocket so by time I got to house they could not see impression—Adams asked me if Mr Reynolds the Clerk of Col. Stevenson had the key in his pocket every night—I told him I was not sure but tho$^{t.}$ likely he had—He then told me to watch Reynolds—& let him know where he was going that night —Said at same time in case he could not get the keys—that they would knock him over & take the keys from him I went down to Stevensons again next day & took the impression again—took it up to Adams & then Adams Watkins & Seymour went to work & made the false keys—they then told me they would meet me at Stevensons office between 8 & 9 that night—to commit the robbery After 9 I met them on Long Wharf. Adams & Watkins then went over to Stevensons opened the door with the keys & went in. That's all I know about it. They placed me outside of the door I remained there until they were taken—Watkins, Adams Seymour & Brier.—M^{r} Reynolds was informed by me that they were going to take the keys from him & to be on his guard.—I became [acquainted] with the parties through Seymour while I was at Bryant House knew S.—

Prisoners Questions—I became acquainted with Seymour by giving him wine to sell while I kept the old Bryant—He sold the articles & kept the money—I had no dealings about the coining Shop. I gave the man that kept that Shop notice the night before that they were going in there.— Before the Recorder I stated that Watkins opened the house went up stairs & while he was lighting a candle one of the proprietors came in. he then blowed out the light & went away. (this was Schultz)—I never said that I told of them because they acted dishonorably in this transaction. The plan of robbing Col Stevenson was going on the same time that the attempt was made on Schultz's

[Signed] J Marks

Attest S Payran

Adams— I know Stuart. I never had any connection with [him] I have seen him frequently—he was tall thick limbed considered desperate. 'Twas whispered about that he was a horse stealer. I have seen him in the company of Whittaker, M^{c}Cormick, Hughes & Belcher Kay.—I saw 'em at Port Phillips House on Jackson St.—kept by M^{c} Cormick & Whittaker.—I never had dealings with Belcher Kay. as regards any night work—out door work—I have been asked by constables at Station

[July 20, 1851]

H whether B. Kay was not engaged in Stealing affairs—I was here when Janson was robbed—I was living on Dupont St. near Polk St with M^{rs} Regan. I was left in charge by him when he went to mines—I never heard a word about that robbery at that time.—I have heard some talk about the *James Caskie* from the parties who committed the robbery—I have heard Edwards threaten to shoot Jemmy from Town for speaking to a man named Kelly[8] about that transaction. Stuart was concerned.—I lately have heard that Stuart committed murders—I have seen Jim Briggs—Know Teddy M^{c} Cormick. I once heard that Jimmy from Town had exploded a safe. I have heard that Brommy was a notorious thief & every thing that was bad.—I know something about the robbery at Minturns—Edwards, M^{c}Cormick & Whittaker came to me one night, to borrow some tools I asked what for—they told me—I told them I couldn't lend the things without going with them & getting a share. they refused letting me go, but stated they would reward me if successful for the loan of the things—they took the things I dont remember whether B. Kay was concerned in that affair—I dont know any thing about robbery of safe in Kearney Street.—I have been at Angel Island—at Wilders house. Wilder knows me. Watkins was with me there.—I did not take any money from Wilder which I had to give back after I was arrested. I have heard Whittaker & gang speak of M^{c} Intyre & M^{c} Carty. they seem to say they were right men.

I heard that owing to the bad management of some men outside they had failed to carry out the plan so I got nothing. I know William Yates. I have heard he was a white smith—never made tools for me—Welsh knows about the robbery of the Butcher Shop—I know that Edwards & Whittaker were in that robbery—I did not take the window out—I was not present at the robbery at Minturns. I heard by papers some time ago that there was a plan to rob M^{c}Condray's—They—Stuart Whittaker &c looked upon me as an outside man & with some contempt. I never had to do with any jewelry affair.—(*tools shown*)

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[8] James Kelly, "the fighting man," was also implicated by Whittaker and McKenzie. The Committee made two unsuccessful attempts to arrest him.

Those pistols I believe belonged to Welsh—they had no way of getting meals but by sacrificing those pistols Welsh gave them up for the maintainance of the 3—when W. came away he went to the landlord of the house & asked for them—he said that Jemmy from T—& Hays had had so much upon the pistols that he couldn't think of giving them up—the Boy had to come away without his pistols.—I have seen the keys in Jemmy from Town pocket while in the boat. the knippers did belong to Watkins.—the Chisel I dont know about—Jemmy-from-Town secreted the knippers.—I cant say J.-from-T. used them.—[a]

Jemmy from Town— I never robbed a safe in Broadway—I was not on board the *Caskie*.—I was stowed away on board the *Tennessee*.—I never took a dollar from *Newworld* in my life.—I gave the things to Adams & then took them away for fear he would do away with them.—I have seen Slasher in San Francisco.—Adams threw a part of the tools into the river.—I took the balance of the things for spite I fell out with him.

John W. Baker— I know the man. the tools came into my possession by the man coming to my bedside & asked me to take care of them. I went to one of the V. C. 5 min. afterwards, showed him the tools, he took bundle to the committee room—then returned them saying Baker take care of them the pris: will be sure to call for them again. I put them in my tool box The prisoner had started off to Long's bar or Bidwells Bar.—

Jemmy from Town— The man said I have use for the tools if you have not. I said I am going to throw them into the River.

Thomas Ainsworth Some call me Tommy Roundhead—I am not Big Brummy he is in the Hospital at San Francisco shot. When M^c^Intire arrested me for a charge of Burglary, he obtained a warrant for Richard English, when he brought me down I was discharged M^c^ Intire & Capt M^c^ Carty did this out of spite.—Because I had a row with Fallon[10] my name had been used to their disparagement. I came from London born just out of it. I came to Valparaiso in Bark *St George.* I was an apprintice on board taken sick went to hospital got my discharge—arrived here 1 year last October in Ship *Resolute*—I first went to work discharging ships about a month, after then I squatted at Mission Dolores—on some lots—for 3 weeks—I returned to San F—commenced making shirts for Cooper & Co till I was arrested.—Some parties, Crosseye Read, Doward, had me arrested for stealing pickles was sentenceed for 12 mos—I served part of the time (—from 28th Jany—to June—) when Malachi Fallon took $250 from me & gave me my liberty & made me Captain of Bark *Tecumseh;* Never gave me wages. I remained there 'til he arrested me again.—Fallon looked queer at me & when the prisoners were sent away Fallon took me aside & asked me what I could give I told him & he said he would see what he could do—he took me to Bryant House & we drank & stood talking in Square—He then put me on board the prison Brig[11] for six mos. the Capt^{n} of the Brig, Colwin, sent me ashore to take care of his garden. Fallon came aboard one day & said he could make it right—we went ashore & I gave him the money. Which was with Martin in Clay Street.—He told me to come & see him. When I went to see him he said he wanted some one to take charge of ship; So I was in his power & had to go on board—I remained until I had a row with him for refusing to go thieving—He told me there were some of the best Mines of California in San Francisco said were some men in Stockton S^{t} who had committed a large jewelry robbery in Clay S^{t}. (this was about October)—he said they were Stuart—& asked me if I would do him a favor said I could make money & he too. he wanted me to go & work myself in with those men and commit some robberys—the men that keep the house was W^{m} Gambel is now at Bagdad—I refused I was surprised at the plans he showed me—he assured me there should be no risk on my side

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[a] For Adams' further statement see pp. 410–413.

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[10] Malachi Fallon was the city marshal in 1850. Soulé, *Annals of San Francisco*, 273.

[11] The brig *Euphemia* was bought, in 1849, for use as a prison ship. *Ibid.*, 233.

—he said the merchants were satisfied to leave everything to him —He said I must be with them when they did anything & be in to divide & he would then come in to arrest.—He said I could get away in the Scuffle—& take away what I could get hold of. Fallon would take the rest deliver up a part to those robbed & we would divide the balance of what F— kept & what I had.—I refused—he said he would arrest me again—I dared him.—There was a force pump aboard the ship I had charge of F— sent a man to take it away while I was absent, then he accused me of selling it.—I found out afterwards who the man was & that he had sold it to M^r Rudsdale—I told F— of it & had another row—the man's name who took pump was Sands the man that got the vessel up.—I then left the ship that same evening while lightering from *Lucas* about [illegible] o'clock in P M. tide not serving had to make fast to a Pile—about 11 oclock discharged onto wharf—next morning they were all gone—stolen—I believe Fallon had them taken away—I was told they had been taken to Stockton I followed them up—I could not find them so returned—was taken with Cholera— after I got out was arrested for stealing these goods by Fallon—the goods belonged to M^r Dubosque—I was in jail 30 days before I could get a hearing—& not till then did M^r Dubosque know of it.—My Counsel took me before the Recorder & he tried me & discharged me—My counsel was M^r Freeland. As I was coming out (Mr Dubosque said he had not known of my arrest & was sorry for it) the Marshall's clerk arrested me. told me the Marshall wanted to see me—Said the M— was going to a funeral & I had to stay till he got back—they kept me in prison for about 2 mos—M^r Freeland went to know the reason & Fallon told him I was an escaped Convict—I asked Mr F— whether I should in that case have been found on board Fallon's Ship & about his office. When M. T O'Connor came back from the States—I sent for him as he had been my counsel before I told him how the case stood & he said he would have me out of it in an hour.—which he did do—O'Connor got out a habeas corpus, but Fallon said 'twas not necessary & made out my discharge.—Shipped on board Bk *Alexandria* as cook & steward—soon as I got money I paid Mr O'Connor—I think Fallon p^d O'Connor not to sue him on my account Fallon stopped me one day, said "see here young man I understand you are going to sue me."—I said "you have used me bad & I will send you my act to settle" "he said he would have me in chain gang in another fortnight"—I walked off—O'Connor said I had better drop it—as Fallon had been to the Mayor & said that I had information that would further the ends of justice & that I had better be let off & therefore there would be no use in my trying to get anything by suing. as Fallon had proved that I had been convicted—M^{r} Fallon has got boats & goods of mine to this day on board *Tecumseh*—I went on board the *Comet*—then I left & went to Sacramento. I was arrested (while I was at M^{r} Forsyth's in 4th S$^{t.}$ upholsterer) by M^{c} Intyre on a warrant for Richard English—after I got through that I went back to Sacramento—the Police then seemed to consider me a thief so I left for the mines. There I stayed at Bagdad till last week, then I came down to Sac. then I was arrested at Sac. yesterday by one of the V. C.

Cross Ex. I know Russel—I am Russel I know Russel the Tinker, he did live at Chinese Camp—I stopped at his house "board & lodging by M^{rs} Russel" was stuck up. that was last October—Big Brummy came into the station house the last time I was there—I saw him last about 2 mos ago—Jimmy from Town told me Brummy was in the Hospital.— The *Tecumseh* was not used as a store ship—

Cross Examination

How do you know the man Stuart that came on board prison Brig was the one we hung? I heard his name was Jim Stuart & knew no other Stuart—

I got the $250.—which I paid Fallon from my earnings & from the sale of my Mission land for which I rec$^{d.}$ Seventy dolls. —also Mr Martin lent me $56—No one heard me in conversations with Fallon—I am known to many merchants in this city as a Lighterman—I lightered goods from the *"J Q Adams"* for Galland Hart & Co & others—I took the name of Russel in order to get clear from Fallon & clear myself from previous charges laid upon me—I first took the name of Russel when I went on board the Bark *"Alexandria"*—

I know Adams, but always knew him by name of Wilson—Adams alias Wilson gave me five dollars when I got out of prison in consequence of Fallon being obliged to discharge me—

I know "Jimny from town" I have seen him in boxing saloons in this City—"Jemmy from town" robbed me of one $^{25}/_{100}$ dollars in Marysville, about a week or ten days ago—he held a knife to my heart & Hays took the money from my pocket—

I have heard "Jemmy" talk about different robberies—He made use of so much slang & flash language I could not well understand them—

I know no one else in the Prisoners room—I gave "Jenny" a nights lodging in my tent near Marysville—He & Adams were talking about burglaries in different places—I was frightened at them & was glad to get clear from them—On the 18th I went over to Adams house on the other side of Am. River, the Marshall at Sac. City saw me in company with him & that was why the police arrested me & brought me to San F.

I first knew Hays at the Station house, he was arrested about the time of the *"Jas. Caskie"* affair—

If Mr Fallon had been here I would have said the same as I have—I have told nothing but the truth—

Henry Beck, I am a native of Nottingham England, I am about thirty six years of age I left England in the month of May 1835, I left the Port of London in the Ship *Rattlee* Capt Goldsmith, bound to Van Dieman's Land, I left England as an Emigrant, I arrived at Hobart Town and became Groom to Mr Bisbey—I went from Van Dieman Land in April 1847 and went to New Zealand I left New Zealand in March 1850 by the way of Port Nicholson, and arrived at San Francisco July 1st 1850. I have been residing in the neighborhood of Clark's Point ever since the time of my arrival, I have been engaged in washing, and am now engaged in keeping a Lodging and Drinking House. I have no sign up I do not know Daniel Wilder of Angel Island by name, I know the man from having staid at his House two days, I had no business with him when at Angel Island, I took three persons over to the Island for pleasure, the name of the three persons were, Watkins, Geo Adams, and some Female name I do not know (*Adams brought in*) *on being asked who the woman was answers, it was Mrs Brier, Adams says he knew the witness well and has been frequently at his house,*

I knew Edwards, Watkins, Adams, I never knew Stuart, Jenkins, Jemmy from Town Goldsmith

Hays brought in & confronted with Henry Beck, I do not think I know this man—It was about three months since I went to Angel Island with Adams, Watkins and a Woman at that time my hand was bit by a man by the name of Joseph who is now in the Hospital he bit my hand at my own House, he was about three months since, I do not know what has become of usually called Old Joe, my hand was bit in the Month of March, Edwards,

[*Statement of G. W. Smith. Case of Jimmy from Town*]

George W. Smith *sworn* I know the Prisoner he is known as James Burns alias Jemny from Town, I first knew him in last December—I have knew him to play cards—he got $300 out of Mr Chadwick—common fame and report is that he is a very bad character I have been told by Bill Hays in charge of the Police now, that this man knocked a man down near the Plaza in Clay Street and robbed him, also inducing a miner from his own place and robbing him, and they tried to induce him again the next day (but the night before having only obtained the small bag from the miner) they could not induce the miner to go again as he suspicioned Hays as the man that robbed him he, Jemny from Town is the man named in Stuarts Commission [confession]

I am confident that this is Jemny from Town, I am not mistaken.

[Signed] Geo W Smith

Attest S Payran Presdt

[Annotated:] Residence of above witness
Gibbs & Co, corner Sansom & Washington St

George Gill Statement

George Gill, I was born in the County of Somerset England, I am thirty seven years of age I left the Port of London in the month of November 1850 on Board the Ship *Spartan*

Captain Bay bound to San Francisco California, on the Third day of September 1850, since I have been in California I have been working on the Streets and in Stone quarrying to last March, I then went to the Mines, to the North Fork of Feather River, I was trading from Marysville to the Mines on my own account, I came back to San Francisco in June last, since which I have been working about the City, part of the time at the Custom House weighing sugar, last Monday Mr Early hired me to go to Angel Island to Quarry stone; I do not know Watkins, Welsh, Adams, Jenny from Town, Burns, Jenkins, Stuart, Hays Edwards, I know Harry Beck from the fact of living near him, I saw him on Monday Morning at his own House I know nothing about his character it may be good, it may be bad, I do not know anything good or bad about him, I do not know T. Belcher Kay, I know nothing of the robberies committed in this City— I was robbed a few weeks since myself of the sum of five hundred dollars stolen out of my house, I reside at the place called Sydney Valley; I know of no suspicious persons in the Valley—I do not know who to suspect of having taken my Money

MONDAY, JULY 21, 1851

MINUTES

Minutes Monday Morning July 21st 1851

At a meeting of the Executive Committee held on Monday Morning July 21st 1851. Present Payran—Ryckman—Bromley—Brindley—Graham—Garwood

On the meeting having been called to order the Chairman reported that a member of this Committee had been assaulted with intent to kill by one Charles Duane. Wherefore it was[1]

Resolved that an order be issued for the arrest of the said Charles Duane.—

The examination of Geo Adams Thomas [. . .] alias Tommy round head & Jimmy in Town was continued and Hayes as a witness—

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[1] See note 3, p. 96.

During the examination the Committee was informed that Charles Duane had been arrested by the Authorities & placed in the County Jail.—

M^rs Regan was examined in the case of Adams but nothing of importance was illicited—

Adjourned to 7 OClk P.M

[Signed] W^m C Graham Sect^y

Minutes Monday Evening July 21^st 1851.

At a Meeting of the Executive Committee held on Monday Evening July 21^st 1851. Present—Payran—Wyckman—Gorman—Schenck—Mellus—Wadsworth—Huie Curtis—Brindley—Woodworth Bromley Graham Garwood M^cCahill Oakes & Woodworth Pres^t of Gen^l Com^ee

The Charge of horse stealing brought against Jacob S Smith by John Lowrey, having be[en] examined into the said John Smith was honorably discharged.[2]

On motion of L Brindley that in Case of Lewis being found Guilty of Arson that the Executive Committee recommend to the Gen^l Committee to take posession of the said Lewis & hang him.—which motion was laid upon the Table.[3]—

On motion *resolved* that the Executive Committee recommend that if any Judge or Magistrate or other Administrator of the Laws can be detected in corruption or Mal-administration of their duties, they shall be arrested by this Committee & hand. [hanged?] as an example to those who have asked and received office at the hands of the People.—

On motion *resolved* that whereas our Brother—Frank Ball has been violently assaulted by one Cha^s Duane alias Dutch Charley who is now in Custody of the Civil Authorities we hereby pledge ourselves that justice shall be meeted out to said Cha^s Duane—

On motion *resolved* that the Sergeant or Arms be directed to procure a file of the Newspapers containing the different publications emanating from this Committee and that the same be preserved for future reference.—

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[2] The endorsement on the statement of this case reads: Jacob S. Lowry in the case of Henry Smith.

[3] The trial of Benjamin Lewis, for arson (see note 1, p. 4) was held in the District Court, July 21 and 22. He was convicted and sentenced to two years' imprisonment.

the motion in case of Lewis be taken from the table and passed.—

On motion a Committee of three be appointed to superintend the trial of Lewis.—J C Ward. Cap Goram & Brindley.—

On motion *resolved* that a special meeting be held at as early an hour as possible tomorrow morning.—

On motion *resolved* that we recommend the Gen^{l} Committee now in room proceed to the Court House, and remain there until the case of Lewis is disposed of—and if necessary to arrest and take Lewis and dispose of him as the People may direct.—

On Motion adjourned

[Signed] W^{m} C Graham Sect^{y}

MISCELLANEOUS PAPERS.

[*Information regarding Charles Duane*]

Charles Duane, alias Dutch Charley, is in Custody of the Sheriff (or his Deputy B. F. Harley) on a warrant issued by Judge Campbell Mr Harley will call on me some time in the course of the day—There are no writs of Habeus Corps in the hands of the Sheriff [Signed] A. J. M^{c}Duffee

Mrs Regan Statement

M$^{rs.}$ Regan— I know George Adams, he was about 8 or 9 weeks at my house. He came to my house at the time of his arrival here about the month of October or November last dined there only.—He came back in January & stayed the 8 or 9 weeks. A week previous to his capture Watkins came to see him —on the night of his capture W— came also. Edwards came to my house he knew Adams. As far as I know of George Adams up to the time of his arrest, he was respectable & sociable—My house was in Dupont St.—near it was the "Uncle Sam" which I thought a bad house—(*Jemmy from Town produced*) I know this man have seen him at my bar dont remember to have seen Adams in company with this man. This man came with 3 or 4 others kicked up a row & my husband (this was on the 2^{d} Dec.) gave this man I think into the hands of the Police. This man &

[July 21, 1851]

the others came on Christmas Eve to quarrel about the matter.—On the 26th my husband found they were discharged—Adams' trade was that of founder & shipbuilder.—I dont think he was much at work, he paid regularly.—I was rather surprised at this—I think he slept in my house every night while he was there—he could have got in & out of the back door without my knowledge—

Jacob S Lowry's statement in Case of Henry Smith

Jacob S. Lowry:— About 2d Febry, left my winter quarters on Webber Creek & went down to Sac City & from there to Marysville on my way to Nelson Creek.—I there put my things on a wagon in connection with 14 or 15 other persons among whom was the prisoner Henry Smith—I was not acquainted with any of the other parties. We went to Ophir with the wagon.—As the expenses of packing to Nelson Creek were greater than we thought just, the prisoner and myself purchased a mule together, on which we packed our things that night as far as Buffalo Rancho.—The money for the Mule was all paid by the prisoner, but the bill was made out jointly in both our names. It was the understanding that I should pay the joint expenses of our expedition as an offset to my share of the Mule.—We went to Onion Valley & from there started for rich Bar & overtook four frenchmen on the road bound for the same place.—That night we all encamped in company, the four frenchmen, the prisoner and myself.—Just before reaching Bar, from information received on the road we concluded to go to 12 Mile Bar. A few days after reaching the latter place, the prisoner in company with Junis[?] Alexis, one of the frenchmen, above referred to started for Marysville to buy provisions, the prisoner taking the Mule we had purchased together, and the frenchman taking with him a black Mare & Sorrel Mule belonging to his company.—After reaching Marysville the Frenchman went some distance from town to obtain a horse belonging to him, and left the black Mare in the charge of the prisoner.—During the frenchman's absence the prisoner took the Black Mare & the Mule to auction—Sold the Mule for 87 dollars,—Could not get a good price for the Mare, and therefore refused to sell her and rode her away. this information I obtained from the frenchman about three weeks after his leaving us for Marysville.—

[Signed] Jacob S Lowry

[Endorsed:] Prisoner Honorably discharged M^r Curtis
vouches for character
July 21 1851

TUESDAY, JULY 22, 1851

MINUTES

Minutes Tuesday Evening 22 July 1851

At a Meeting of the Executive Committee held Tuesday Evening July 22^nd 1851. Present Payran—Huie—Wadsworth Ryckman—Bluxome Schanck Graham—Brindley Oaks Spence Garwood

The meeting having been called to order by the chair the Examination of Harry Beck was gone into and John H. Plunkett as witness, record of which is on file—

Report from Committee on Brig *Cammio* was received accepted & ordered to be placed on file—

The report of the Prison Committee was received & accepted and the Committee order to still continue their investigating in all County Matters.—

No other business adjourned to Gen^l Committee room

[Signed] W^m C Graham Sect^y

[Minutes of Special Meeting July 22 1851]

At a Special Meeting of the Executive Committee held on Tuesday Evening July 22^nd 1851. Present Gorman. Garwood Ward Bluxome & Graham

Gorham in the Chair.—

Went into the examination of Mr Wilbur [Wilder?] in reference to certain parties at Angel Island.

Ordered a detail of three men to accompany Mr Wilbur to Sydney Valley for the purpose of arresting a man called Haney.

Ordered a detail of three men to accompany Mr Wilbur to the purpose of taking into custody a Suspicious person to be pointed out by Mr Wilbur

Minutes of General Meeting, July 22, 1851

Mr Selim E Woodworth in the Chair—

On motion Mr F Woodworth

Resolved That the Committee of the whole investigate the case of Dabb—why—by whom and by what authority he was discharged—

On motion

Resolved That select Com of three—appointed to investigate the case of one Dabb be discharged

On Motion Mr Van Bocklyn

Resolved That the position taken by Mr Van Bocklyn as chief of Police in the case of Dabb a prisoner be sustained by the Committee

On Motion Mr Curtis

Resolved That every member who has not handed in his list of Gaol fund contributions be ordered to pass it in—and 30$ if no more has been collected—with the cash at the same time

By Mr Brinley—

WHEREAS E M^{c}Gowan[1] formerly a Police Officer in the City of Philadelphia, now an associate Justice in the Court of Quarter Sessions of the County of San Francisco—was convicted of being an accomplice in the robberry of the Chester County Bank in the State of Pensylvania, and obtained a new trial on which he escaped conviction from the absence of the witnesses who had testified against him on the former trial—and—

WHEREAS the said E. M^{c}Gowan has been charged with official corruption by a grand jury of the said County of San Francisco —Therefore be it

Resolved That if these charges be true it is a disgrace to the County, to tolerate him in the position he occupies—and be it further

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[1] Bancroft, in *Popular Tribunals*, II, 244–248, gives some details of Edward McGowan's early career. He had just been censured by the grand jury for mismanagement of county funds in connection with the new jail (note 3, p. 158), but he retained his position as judge in the Court of Sessions, and became an influential leader in the Democratic party during the next two or three years. When James P. Casey shot James King of William, May 14, 1856, McGowan was supposed to have helped plan the attack, and the Vigilance Committee of 1856 made every effort to arrest him, but with great difficulty he escaped from its pursuit. See also T. H. Hittell, *History of California*, III and IV, and Edward McGowan, *Narrative*, San Francisco, The Author, 1857.

Resolved That the Executive Committee be directed to investigate the matter and report to the General Committee and if their report furnish sufficient grounds in the estimation of the General Com—that he be requested to withdraw from the Bench —under penalty of said report being published to the world in case he refuse[2]—

On motion

Resolved That when a Prisoner be delivered over to the charge of the Chief of Police or Sergt at Arms of this Association such Prisoner shall be considered the property of this Committee and cannot be released unless by the action of the Ex Committee or by a vote of the General Body—

The Ex Committee Report

That they recommend that no further proceedings be taken in the matter of the man Lewis, he having been tried and convicted by a jury of his countrymen, and sentence passed upon him by the Court, punishing him to the utmost limit of the law applying to his case—Your Com deem this circumstance unfortunate but there is no change that can at present be made in the statute as respects Arson, and until a general election comes off at which time the People can place proper men in office to form proper laws to Apply to the General moral state of Affairs which have reigned in this country for some time past—and which are likely to continue for some time to come—we must maintain the laws agreeable to our Constitution when we see it administered with promptness and in the purity which ought to surround it

On motion

Resolved That whereas our Brother Frank Ball has been violently assaulted by one Chas Duane Alias Dutch Charley who is now in custody of the Civil Authorities we hereby pledge ourselves that justice shall be meeted out to said Chas Duane

On Motion Adjourned

I. Bluxome Jr
Secretary

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[2] The draft of this resolution is annotated: San Francisco July 18th 1851. handed in by 404 [Rodman Gibbons] Mr. Brindley Accepted

MISCELLANEOUS PAPERS

John H. Plunkett. Evidence in relation to Adams & Others July 22/51

John H. Plunkett I knew Edwards, I have seen Watkins, I know Adams, T Belcher Kay also Harry, known to me as Harry Austin, some three months ago I came from Angel Island and brought over most of my things & left them in Mr Edwards House on Jackson's Street Wharf, I thought then of going home in the *Reindeer* of Plymouth bound to New York, but changed my mind. I then went up the Bay to look for my Boat found her and sold her and returned to Angel Island, on the 2nd of May and was there from that time until Monday the day after the May fire, I went to look for Mr Edwards House, but it was burned down—I asked a man who was with me where it was most likely I should find Edwards, he told me of this man Harry Austin alias Beck, who had bought a House of Edwards in Sydney Valley whom he thought could tell me I called on this Harry, and asked him if he knew where Edwards could be found, he answered that he could not, Harry asked me where I came from I told him that I came from Angel Island last, he then asked me if I saw his Boat there, I told him I did not I asked him what sort of a Boat it was he said she was a Black Yawl Boat green top sides—I told him I had not, he said that he had sent three men over in the Boat, to keep out of the way a few days, I then passed down to my Boat, I said to Wilder who was with me, I believe them fellows, at Angel Island of whom Austin spoke, to be Rogues, and if you have any money look out for it, we went back to the Island there we found Watkins Geo Adams and one other whose name I do not know, these three men had not intended to stop on the Island but had been Capsized, they remained there that night, next day the Boat went back to San Francisco, the next day Harry & his wife came over likewise, he said some one had bit his hand, it was poulticed, he stopped with his wife two or three days and returned home—two or three days after that George Adams, robbed Mr Wilder of $190, Watkins & Adams cleared out to San Francisco that night Adams was arrested. Mr Wilder described his money, and it was returned to him. Watkins came back to the Island and went to another House broke through the roof and stole $75—Stole a Boat belonging to the man he robbed and left I have never seen either of them since, I boarded with Edwards, I have seen T. Belcher Kay at his House frequently—I went up stairs with a man by the name of Ryan and saw a short thick sett man at work at a Table filing keys which appeared to be intended for robbing, I said to Ryan come I wont stop in that House any longer

[Signed] John H Plunkett

W^m^ H Clark's Report

Report of Capt W. H. Clarke on Water Duty

On 16th July proceeded per instructions to Board the Brig *Cameo* & search for Whitaker on 17th A M early searched the Brig & did not find him on the vessel remained on this duty during the day & night of 17th Came ashore 18 A. M. with prisoner Wright after having again searched the Brig. at 2 oclk A. M 19th took the prisoner Wright on board the Brig & paid his passage again searched her & came ashore at North Beach & kept the Brig in sight during that day—on the 20th at 4 Oclk A. M. boarded the Brig again & searched her, returned ashore & kept her in view during the day. On the 21st 4½ Oclk A. M. boarded & searched the Brig She then being under sail outward bound & near the Heads—In conclusion I have to state that my survillance has been strict day & night since I undertook the duty & that Whitaker is not & never has been on board of the Brig—also that Mrs Hogan & her effects were sent on shore on the 17th The Capt, Owner & passengers, of the Brig have always extended every Courtesy, aid & assistance possible to my associates & self as agents of the Vigilance Committee—The Cause of my frequent visits as stated above was that I deemed it important that she should be searched on the eve of her departure, she having made for several days ineffectual efforts to get to sea[8]—

[Signed] W^m^ H Clarke

San Francisco July 22/51

[Endorsed:] Filed

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[8] For the expenses of these expeditions, see voucher No. 14, p. 774.

Daniel Wilder. Evidence about Harry, Adams & Watkins.

July 22nd 1851

Daniel Wilder— Adams said he wanted to stay & board with me at Angel Island. 4 others with him. One was Watkins—Watkins & Adams staid a week with me. Adams robbed me of 160$. about. I recovered $15. next day from the City Marshall after Adams was arrested—Several men came to see these men while they lived there. One of them was named Harry—his hand was badly bit. He was a man about 40 dark complexion black hair large whiskers—5. ft. 8. in height.— He has been to my house since Adams left there—for Adams's things. he never paid me for my board & threatened to take away a possum skin which Adams had brought which he, Harry said belonged to him—Harry then lived in Sydney Valley & said that Adams had lived with him. I thought I saw him today. When he came to the Island three came with him. one of the 3 said that Watkins was a gentleman but that Adams was mean for robbing me—he said also that they would burn the City if they did not get Watkins out. this was a little man an Englishman dont know his name—One of this same party that came with Harry was there yesterday said he was going to work on quarry on the Island & wanted to board with me I told him to go away—he was armed with a gun when he came 1st time tall man brownish complexion with long whiskers.—

Belcher Kay came over to Angel Island with the Edwards's 3 or 4 different times on Sundays, a little boy that lived with Edwards came also—another man came also.—I think he was tall sandy whiskers spare built— A man that was living with me saw Edwards the day that Stuart was hung.—The man that I speak of is John H Plunket—he said he boarded at Edwards's and told me that he suspected that Edwards went out at night for no good. He said he had seen Belcher Kay there also.—

[Signed] Daniel Wilder

[*Resolution in regard to E. McGowan*]

Resolved that the E. C. cause to be sent for an official copy of all the records of the District Court or Court of Criminal Sessions of the County of Philadelphia, in the case or cases of the Commonwealth vs. E M^c^Gowan charged with having robbed or having been an accesory after the fact in the robbery of the Chester County Bank

No 68 [G. E. Schenck]

[Annotated:] laid on the table

Tho^s^ Goin. San Francisco 22 July 1851

San Francisco July 22. 1851

To the Executive Committee

The New El Dorado in Stockton St near Vallejo St & a small house in Vallejo east of Stockton are resorts of Adams Wife (or woman) & many others of the same class, perhaps of Whittaker, should he now be in the city—

Should you deem this communication of any importance I will be ready at any time to give you all further information in my power— I remain Gentlemen

Yours Truly

[Signed] Thomas Goin V. C. 618

[Report on Jail Funds]

Chairman:

I beg to state that only 114 members out of 631 have reported themselves & that the Jail's funds received are only $3860—

Since 4 days 300$ have only come to hand— What resolution have we to take to hasten the payment of said funds

[Signed] Delessert
The Treasurer

WEDNESDAY, JULY 23, 1851

MINUTES

Minutes July 23^d^ 1851

At a meeting of the Executive Committee held Wednesday morning July 23^rd^ 1851. Present Payran, Ward Brindley —Bromley—Graham—Bluxome Curtis, Gorham, Wadsworth, Woodsworth, Ryckman

The Case of George Arthur for Burglarly was under examination and the Testimony filed. recommended to be handed over for Trial—

Evening Session July 23rd 1851. Present.—Payran—Schank—Brindley—Wadsworth—Woodsworth, Oaks Bluxome—Gorham — Bromley — Mellus — Graham — Ryckman Woodworth *Presᵗ Genˡ Com*—Garwood.—

On motion, *resolved*—that Jemmy from Town—Thoˢ Round head & Geo Arthur be handed over to the constituted authorities for trial.—also Adams, also that Hays and Baker as witnesses

Prison reports submitted:

Letter of Beidleman, Commendatory of V. C of San Francisco read,

Statements of Prisoners, and Evidence read to Committee of the whole

On order of General Committee to Executive to define duties of Marshalls of Police &c Committee (Executive) asked further time

Gill witness from Angel Island examined and discharged

Report in relation to Mayor, on motion laid on the Table[1]

Ordered that the Prisoners sentenced to be sent back to Sydney have Meat Coffee &c

[Signed] S Payran
Presdt

Secretary

Minutes of Special Meeting [*General Committee*] *July 23. 1851*

Mr Selim E Woodworth in the chair

Report of Prison Committee read—

On motion Mr Oaksmith

Resolved That the Prisoner Geroge Arthur be handed over to civil Authorities

On motion Mr Thomas

Resolved That Jimmey from town alias James Burns and George Ainsworth alias Roundhead be handed over to Civil Authorities

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[1] On July 11, Mayor C. J. Brenham issued a proclamation which called upon the citizens of San Francisco to sustain the laws and the duly elected authorities. (Printed in Bancroft's *Popular Tribunals*, I, 323.) Further than that, he seems to have taken no official cognizance of the Committee, although he supported Governor McDougal, when the latter secured the release of two prisoners on the morning of August 20.

On motion Mr W^{m} H Jones

Resolved That W^{m} H Jones be excused from acting longer as Deputy Marshall and also be excused from serving longer as one of Finance Committee

On motion

Resolved That Mr Jones is *not* from duty for three months

On motion

Resolved That the Banner presented by Mess Plum & Warner be accepted and a vote of thanks be tendered to the gent for the same

On motion

Resolved That the Banner be properly mounted and Kept for use of this Committee

On motion

Resolved That this Committee Keep the witnesses in the case of Jimmey from town and a Committee of six be appointed by the Chair to take said witnesses to Court when his trial comes on—The following are the Committee George J Oakes—Capt Garwood—F O Wakeman—Mr Haste Geo R Ward—I Bluxome Jr

On motion

Resolved That Peter D Headly be added to the members of Finance Committee

Report of Ex Committee on by laws read—and passed

On motion Mr Ward

Resolved That companies of 20 be formed & elect their Captains and report between now and friday night[2]—

On motion

Resolved That no Spirituous Liquors shall be introduced into the quarters of the Committee of Vigelance on any account whatever—If it be necessary that the guard on duty at night should have a stimulus of some Kind—the Sergt at Arms shall procure the necessary means for supplying hot coffee—The Sergt at Arms shall enforce this rule[3]

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[2] See note 6, p. 341.

[3] The receipts for refreshments and provisions furnished the Committee up to this date, show that liquor had been purchased in generous quantities. (See vouchers Nos. 14, 21, 49, 57, 58, 101, 111, pp. 774–801.) After the passage of this resolution, voucher No. 101 shows that one box of

Also That quiet & order be maintained after the hours of 11 o'clock and any wranglers or disputes occuring after that time shall subject the offending parties to a fine of 5$—for each offense—and failing to pay it in three days after such occurence they shall incur the punishment of expulsion from this body—

On motion Mr Throckmorton

Resolved—That no resolution shall be entertained before this Committee except the same be offered in writing and signed by the number of the member by whom the same is offered

Preamble—Inasmuch as so large a body of men cannot move together to any effect without reducing the power into an essence emanating from a few which is the Action of the whole—and as it is the Regulation of common sense and custom that such a concentrated power should exist to which we should all comply cheerfully having the good of the whole at heart in all our actions—therefore

Resolved That the Com of Vigelance do consider that it is absolutely necessary for the proper government of the body—that a strict discipline should be maintained among that portion on duty—and that when the Chief gives his orders and instructions they are imperative and must be obeyed as implicitly, as those emanating from a Commanding Officer at a Military post to the Officers and men under his command—

On Motion Adjourned

[Signed] Isaac Bluxome Jr
Secretary

Vigelance Committee Chambers July 23. 1851

MISCELLANEOUS PAPERS

[*By-Laws*[4]]

There shall be elected monthly a President Secretary & Treasurer of the Committee of Vigilance[5]

There shall be appointed by the Com. of Vigilance a Sergeant at Arms, Marshall or Chief of Police and Assistant Marshalls

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claret and three gallons of "alcohol" were bought, but no other items of a similar nature, are recorded.

[4] This undated document appears to be a copy of the by-laws passed July 23.

[5] See note 4, p. 2.

Five also an Executive Committee of Twenty members—The Pres^{t} of the V. C. acting ex of.

The balance of the Com. of Vig. shall be divided into squads or companies of 20 men each.—Each squad shall elect its own captain—The object of this subdivision is to make members better acquainted one with the other and each captain with the whole of his particular company.—At the present time there will consequently be about thirty Captains—The Comp^{s} shall be numbered from 1 to 30.[6]—

It will be the duty of each Captain to see that the men under him attend properly to guard & other duties assigned them;—that they pay their fines dues &c when delinquent—and he shall report them for bad or suspicious conduct. as well as neglect of duty when necessary—

Two squads or Companies will furnish the exact number of men requisite for the guard during the 24 hours. And they shall be ordered to do duty by the Sergeant at Arms through their Captains in regular rotation: Compy^{s} 1 & 2, one day, 3 & 4, the next & so on

From the companies not on duty,—the Chief of Police or his Assistants, may at all times select such men as he may require for police duty, giving his orders to such men always thro' the Captains of their respective Companies—as for example, Captain of N^{o} 30, I require from your Company by 12 o'clock 3 men, who shall proceed, &c &c.—

After the Chief of Police, or any of his assistants shall have taken or received any prisoners,—he or they shall turn them over to the Sergeant at Arms, provided he consider that the quarters under charge of said Sergeant are sufficiently secure to keep them safely. But should he the Chief think proper for the better keeping of said prisoners to remove them to other quarters than those in the building used by the Com. of Vig., he may have the power to do so.—It is to be perfectly understood that until they are so turned over by the Chief or his assistants, they the said

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[6] Mr. T. J. L. Smiley said in his dictation that there was no military organization of the Committee of '51, except on the occasion of the execution of James Stuart, and this measure, although adopted, was probably never carried out. MS *Statement*, Bancroft Library, p. 5.

Chief &c are responsible for them—But after being placed in the hands of the Sergeant then he the S— shall become responsible for the said prisoners—and the Chief & his assistants have no longer any authority to act in the disposition of said prisoners unless notified to do so by an order from the Executive Com.—Should it happen however, that during the absence of a quorum of said Ex. Com., the Sergeant at Arms might think it necessary to send prisoners forth from the building to more secure quarters then, he may have the power to place such prisoners at such time in the hands of the Chief or his assistants directing them to carry said prisoners to such quarters as he or they (the Chief &c) may think safe—and thereupon the authority & power of said S— at Arms over said prisoner or prisoners shall cease. And the Chief or his assistants shall become responsible for said prisoners so removed.

It shall be the Sergeant at Arms duty to take all care & charge of the prisoners in the building occupied by the Vig. Com.—to take proper means to prevent the admission of any but members, witnesses or prisoners into said building—also to see that the said building is properly cleaned lighted &c and to do such other duty in the way of sending notices, advertisements &c &c as may be ordered by the Executive Com., or by vote of the Com. of Vig. He shall moreover have the power whenever in his judgement necessary to prevent all communication between members of the Com. of Vigilance & such prisoners as are in his charge, excepting the members of the Ex. Com., whose orders at all times when eminating from the Chairman of said Com., he shall obey.—but not otherwise unless signed by a quorum consisting of 5 of said Ex. Com. It is of course understood that any order issuing from the Com. of Vigilance by votes of said Com., shall be obeyed by the Sergeant.

The duty of the Chief of Police & assistants shall be to detail all possees for the purpose of arresting prisoners or guarding them when out of the building—They shall have the power of making such details at any time when so ordered by the Ex. Com., or by general vote of the Com. of V— and all orders given by said Chief & ass[istants] are to be implicitly obeyed by the possees so detailed If at any time while the Ex Com, or a quorum of said Com. are absent it should be considered necessary for the safety of prisoners, or for the purpose of carrying out any plan for the arrest of prisoners &c to detain all members in the room until said safety is insured or said prisoners arrested, then the said Chief or his assistants and also the Sergeant at Arms shall have the power to close the doors so as to prevent the egress of any member of the Com. of V.

At any time that any prisoner is bro^t in during the absence of a quorum of the Ex Com., it shall be the duty of the S— at Arms to notify a quorum of said Com. of said fact, so that they may immediately go into an examination of the charges against against said prisoners.—

All orders issuing from the Ex. Com. whether to the Sergeant or to the Chief of Police or to other guards &c said orders shall be returned endorsed with the report of the parties to whom said order or orders were issued.—

The S—at Arms and Chief of Police are to receive their orders from the Ex. Com. or by vote of Gen^l Com and are to be particularly under surviellance of said Ex. Com.

During the absence of the Marshall & his assistants their authority (with respect to detailing guard for any immediate duty or the execution of any order from the Ex. Com.) shall devolve upon the S— at Arms.—

That the Chief of Police be allowed ingress & communication with the prisoners.

[Endorsed:] passed

W^m Mitchell. Evidence vs. Adams July 23 1851

W^m Mitchell— Have known Adams for several months.—have known him to have been connected with a gang of thieves and burglars here for over a year—Adams, Billy Hues or Swan alias Swan, Watkins—these four men lived in a house opposite to mine on Card's Alley, between Green & Vallejo Sts—they had a vice in the house, and heard and seen them at work frequently—have no doubt they were manufacturing Burglars tools—Yates also stopped at this house, and a woman by the name of Jenny who appeared to be common to them all—She had

[July 23, 1851]

as she called him a brother whose name was Smith—generally called Pete—I have seen him going in and out with small pieces of iron, and believe him to have been the workman for the rest. Pete—is a tall slim man black eyes teeth gone—is a blacksmith—arrested him once for breaking the peace—pretty hard character, but a very good mechanic as they all said—Yates also was a good white smith. Adams name in Sydney was Jack Dandy—as I have been credibly informed—was considered there a bad man and his fellow mechanics would have nothing to do with him—I never was able to connect them in any crime until up to the time of Stevensen's affair.— The day previous saw them—Adams, Billy Hughes, Swan Watkins, Belcher Kay, Yates, and a little fellow by the name of Butler.—in the house before mentioned—I was sitting in my own house opposite to them watching them—saw them engaged in very earnest conversation together and my opinion is that they were dividing the watches and jewelry stolen from a dutchman on Pacific St.—they had a newspaper looking over it, and appeared to be examing the description of something important—saw Butler go away in the Boat for Sacramento—carried away with [him] a valise which appeared to [be] heavier than clothing and my opinion is that he carried away the plunder.— The next day was Sunday —I watched Adams and Watkins closely. Swan was there—do not recollect if Kay was there—Watkins went away first, and made a motion with his hand, and Adams went out and joined them—I followed and they went to Briers. I went to my house again & went back again. Saw them go out & go up to Gamboll on Stockton S^t I left them there—

I went to Sac.^{to} last Saturday week. I met Belcher Kay at Orleans House. He turned pale on seeing me. & said this is a sad affair this disclosure of Stuart. "I said to some people tis" "But says he this can all be explained it comes from drinking too much & getting damn drunk. but I am going down & can explain it to the satisfaction [of] all"— His manner & appearance carried conviction to my mind that he was connected with the affair. I have seen him with Stuart & all the scoundrels about the street,—but never could connect him with any affair here—At Sac^{to} City he had rather come with an officer than with the Committee His friends there asked me why I did not take him I said I had nothing against him.

I have seen Belcher Kay in company with Jimmey from Town—John Edwards—Whitaker—M^c^Cormick and all others of the gang at all hours of the day and night—

[Signed] W^m^ Michel

San Francisco July 23. 1851

[*Case of Adams, Burns, Ainsworth and Arthur*]

The Executive Committee, respectfully submit the Testimony taken in the following cases to wit:

Adams,	Alias	Wilson
Burns	"	Jemmy from Town
Ainsworth	"	Roundhead

as well as the statement made by each Prisoner on his seperate examination

From the statements elicited as well as from the Evidence. your Committee think that these Prisoners should be handed over with the Documents to the Constituted Authorities, and to require of them to immediately try, and condemn or acquit, according to the circumstances of each particular case

Your Committee respectfully make these suggestions on the ground, that from information received, and in their opinion reliable, that the Court has a Prisoner by the name of Robinson,[7] and from the nature of the Evidence, it is thought the trial of Burns should be had in connection with Robinson whereby greater justice will be meted out to them, Jemmy from Town has evinced the utmost obstinacy and hardness of nature, and should be tried at this time from the causes set forth

[Signed] S Payran
Presdt of Ex. Co
July 23rd 1851

Attest W^m^ C Graham Sect^y^

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[7] Richard Plunkett, alias Robinson, had been arrested May 21, in company with Jimmy from Town, and charged with assisting the latter in rifling the trunk of a man named Bread or Breed. Plunkett preferred to stand trial, rather than escape when Jimmy broke jail, and when his case came up in the Court of Sessions, July 26, he convinced the jury that he had merely been employed to carry the stolen articles and was ignorant of the robbery. *S. F. Herald*, Law Intelligence, July 28.

Executive Chamber
July 23 1851

Your Committee also present, that Hays—& Baker are witnesses against Burns, Ainsworth, and Adams, and as such should be sent up with the Prisoners, or kept in our Custody, so that they may be had to testify in these cases, perhaps one of the greatest Evils attending the adjudication of cases in our City is that of being unable to obtain the witnesses at the time of Trial

Respectfully
[Signed] S Payran
Presdt of Ex Co

Attest Wm C Graham Sect^y

Executive Chamber
July 23^d 1851

Your Committee respectfully present the Case of George Arthur charged with an attempt at Burglary, by breaking into a Dwelling House on the night of the 22 & 23^d July

The testimony which has been taken by your Committee is conclusive and needs no comment, and the crime worthy of the severest penalty of the Law

They would suggest the propriety of handing this Prisoner over, requiring that the case be submitted to the present Grand Jury

[Signed] Stephen Payran
Presdt of the Ex. Com

To the Chief of Police

Sir You are hereby ordered to deliver into the possession of the Civil Authorities the following Prisoners

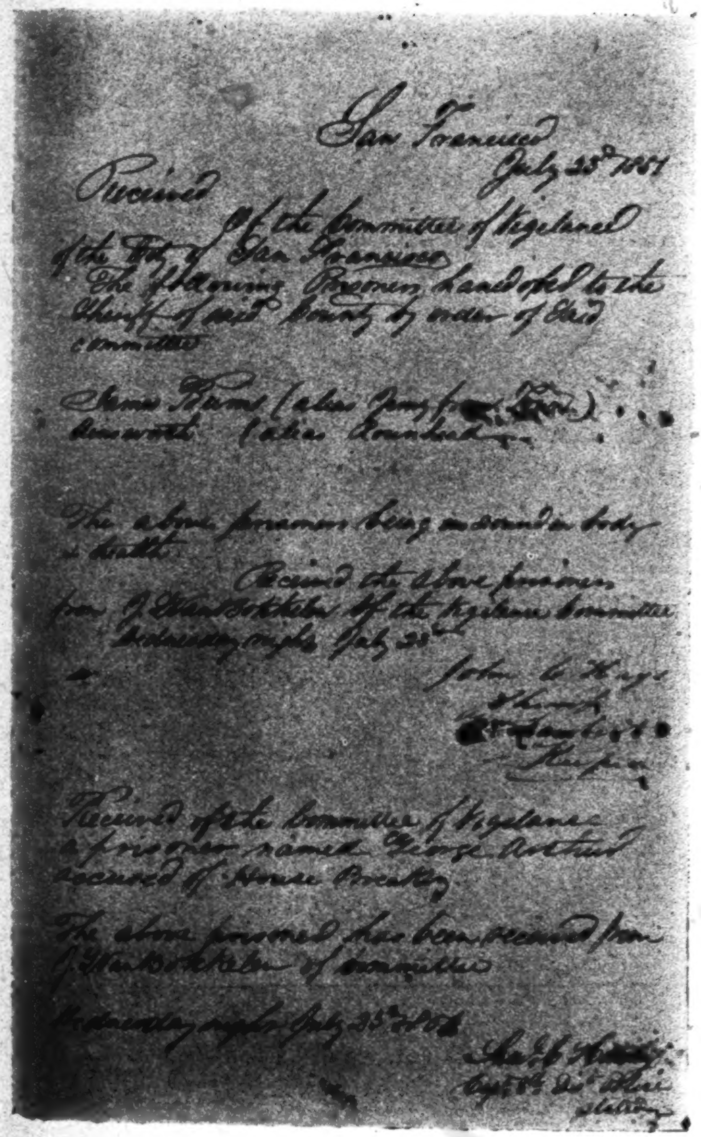
Jimmey from town alias James Burnes
Ainsworth alias roundhead
& George Arthur and take a receipt for the same

By order of General Committee
[Signed] Isaac Bluxome Jr

San Francisco July 23. 1851

[Annotated:] The above order was executed last night at 11 Oclock

The Prisoners James Burns & Ainsworth were delivered



San Francisco
July 23rd 1851

Received
Of the Committee of Vigilance
of the City of San Francisco
The following Prisoners handed over to the
Sheriff of said County by order of said
Committee

James Burns (alias Jimmy from Town)
Ainsworth (alias Roundhead)

The above prisoners being in sound in body
& health

Received the above prisoners
from J. Van Bokkelen of the Vigilance Committee
Wednesday night July 23rd

John C. Hays
Sheriff
[illegible]
Keeper

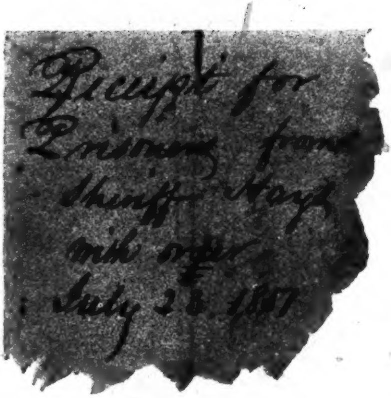
Received of the Committee of Vigilance
a prisoner named George Arthur
accused of House Breaking

The above prisoner has been received from
J. Van Bokkelen of Committee

Wednesday night July 23rd 1851

[illegible]
Capt. 2nd Dist. Police
Station

Facsimile of a Receipt for Prisoners Delivered to the Sheriff of San Francisco by the Committee of Vigilance.



Receipt for
Prisoners from
Sheriff Hays
with order
July 28 1851

Facsimile of Endorsement on the Receipt for Prisoners.
In the handwriting of Isaac Bluxome, Jr.

into Custody of the Sheriff & George Arthur to the City Marshall in whose case it is requisite to have witnesses in attendance before Recorder at Ten Oclock this morning accompanying please find receipt for above prisoners

[Signed] J. L. Van Bokkelen
Chief of Police

Thursday morning 9 O'clock
July 24 1851

Receipt for Prisoners from Sheriff Hays, with order July 23. 1851

Received San Francisco July 23rd 1851

Of the Committee of Vigilance of the City of San Franciso

The following Prisoners, handed over to the Sheriff of said County by order of said committee:

James Burns, (alias Jimy from Town)
Ainsworth, (alias Roundhead

The above prisoners being sound in body & health.

Received the above prisoners from J. L Van Bokkelen, of the Vigelance Committee

Wednesday night July 23rd

[Signed] John C Hays
Sheriff
" Wm Lambert
Keeper

Received of the Committee of Vigilance a prisoner named George Arthur accused of House Breaking.

The above prisoner has been received from J. L Van Bokkelen of Committee.

Wednesday night, July 23rd 1851

[Signed] Saml C. Harding
Capt 3d Dist Police Station

[Report of the Committee Appointed to Investigate the County Jail]

To the Executive Committee

The Committee appointed to investigate the building of the

County Jail by order of the late Court of Sessions *report* that, the lot 60 feet on Broadway by 157½ ft deep, was purchased of E Moses on the 5 Aug '50 for the sum of $15000 (Fifteen thousand Dollars) one half payable 9 Jany 1851 & one half payable 9 July 1851, for which sum county scrip was issued bearing (3) three per cent per month secured by a mortgage on the property.

This mortgage was transferred to Jonathan D Stevenson, by him assigned to E P Jones, and by him assigned to Harvey S Brown (one of the Associate Justices of the Court of Sessions) and Martha M^{c}Gowan (wife of the other Associate Justice) and by them assigned to Felix Argenti. ($4000) Four Thousand Dollars with interest still remains due thereon.—

That the sum of $\$11245^{90}$ Eleven thousand two hundred & forty five $^{90}/_{100}$ Dollars was paid for excavation before the said lot was in condition to receive the first stone of the foundation, and *that* in all a sum exceeding $50000. (Fifty Thousand Dolls) has been actually expended upon the said Jail in *Cash* by the County as will appear by the Treasurer's Books besides a mechanic's lien that now encumbers the premises for more than $2000. (Two Thousand Dollars)

Your Committee also finds that altho' the sum for which the Prison lot was purchased of E Moses was *$15000*, that person received "Building Fund Scrip"[8] for *$19240*. all of which, (with the exception of *$4000,* now due on the mortgage held by F Argenti) has been redeemed.

In the opinion of your Committee (taking into consideration the expense of excavation) the prison lot at the time of purchase was not worth more than ($1000) One Thousand Dollars and was entirely too small and inelligibly located for the purpose of a County Jail, and the labor performed on the building, at the time the same was handed over to the Sheriff, was not at all commensurate with the amount of funds expended.

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[8] The extravagance of the San Francisco officials had quickly imposed upon the city a heavy financial deficit, and to meet it, certificates of indebtedness had been issued in such large sums that the paper had greatly depreciated, and contractors and merchants demanded payment far in excess of the face value of the scrip legitimately due them. On May 1, 1851, the legislature passed an act to fund the floating debt of the city of San Francisco, which then exceeded $1,500,000, and the holders of city scrip realized large sums by converting it into the new bonds, which had a much higher market value. See T. H. Hittell, *History of California*, 1898, III, 395–399.

In connection with the present report your Committee have also to remark, that property on the Plaza in two seperate lots, was also purchased by the late Court of Sessions for $60000. (Sixty Thousand Dollars) each the one from Mess E. Laffan D. W. Coit, & Chs A Greely & the other from C V. Gillespie Esq both parties were secured by mortgage on the premises for the full amount of the purchase money and to the first mentioned was also issued scrip. A foreclosure of the former has been commenced and the property will soon be liable to sale under judgement which judgement will not in all probability be satisfied by *$40000.*—while the scrip in the hands of innocent third parties remains good against the County. This judgement will also become a lien upon the County Prison, with all other County property as your Committee, in the absence of legal advice, believes and therefore *recommends* that the funds collected by the Vigilance Committee "for the purpose of completing the Jail" be *not* expended on said building without a further investigation of this point.

As far as time has permitted your Committee has investigated the course of the late Court of Sessions in the building of the Jail and, incidentally, the fiscal affairs of the County, and cannot resist the conclusion that, the said Court has been guilty of wanton extravagance in the disbursements of the public funds, that it has exhibited a total absence of prudence, ability and judgement in the management thereof and your Committee is, therefore constrained to believe that Roderick N Morrison, Edward M^{c}Gowan and Harvey S Brown must have been influenced by motives of private interest in the course adopted by them.

All of which your Committee respectfully submit.

San Francisco July 22^{d} 1851

[Signed] H. S. Gates Chairman
" Geo R. Ward
" Robert Wells
" Daniel J Thomas Jr
" W. L. Hobson

THURSDAY, JULY 24, 1851

MISCELLANEOUS PAPERS

[*Resignation of C. H. Brinley*]

San Francisco 24. July 1851

Sir:

I beg to tender my resignation to the Ex: Com: and through them to the Genl Com: with the request that you will also lay before them the desire, that I also wish to resign from the Genl Com:—

I shall always feel the same interest in the body as heretofore, and shall lose no zeal by the change:

I am Sir
Your most Obt. svt.
[Signed] C H. Brinley

To Presdt of Ex Com: S. Payran Esq.

[Addressed:]
S. Payran Esq.
Presdt of Ex. Com:

[*Communication from W. C. Graham*]

Ex Com

I would particularly call your attention and that of the Ex Committee to the letter rec^{d} some time since in regard to a toast drank at Goffs by M^{r} Merrideth—the Chief Marshel is in possession of the same with some other misconduct of the said M and only wants evidence sufficient to bring him to punishment.—

One of the Grand Jury has been here in regard to T B Kays Case and wishes if possible some evidence whereby he can be held.—

Respectfully
[Signed] W^{m} C Graham

San Francisco 24 July 1851.—

Sam L Dewey [*in relation to Meridith*]

for the Committee of Vigilance

Messrs Brunill & Co Proprietors of Peoples Market next door to Panama House kept by Goff in Mission Street, Informed the Subscriber of a sentiment he had proposed and drank at the House kept by Goff—by the Captain of first District Police Mr Meridith,

here is hoping we may have another great fire soon—and burn up the rest of the Damned City

Upon the utterance of the above sentiment Mr Bunill entered the door, when Meridith partly turned & added, I have no interest in the damned town I dont care a damn

Gent. What in the name of High Heaven can we expect from foreigners, adventurers, and characters of bad repute from wherever they came when we have such men, occupying such places "places of trust bestowed by those in authority" giving out such sentiments as the above—from the same authority I hear that Goff intends to contest the right of the Committee to order him to leave.

I am very Respectfully yours &c

Sam L Dewey

Peter Kennan in relation to Beck

S. F. July 24th 1851

Gentlemen

I have been called upon by the wife of Henry Beck who stated that he was held by your committee for evidence against Adams she wishes me to state what I know of Beck. I have known him for about one year have sold him goods on credit which he has always paid punctually—he owned a boat and carried passengers from the shipping his wife washed for me and I always considered him an industrious & honest man and his wife a very respectable woman.

Respectfully Yours

[Signed] Peter Kinnan

To Committee of Vigilance

I have known Henry Beck for Eighteen months have worked for Kinnan on board store ship *Frances Ann* about nine months and fully concur in the above

[Signed] John White

FRIDAY, JULY 25, 1851

MINUTES

[*Minutes July 25 1851*]

G. W. Ryckman in the Chair

Geo: M. Garwood Secty.

Members present J. B. Huie G. F Schenck E. Gorham
F. A. Woodworth J. L. Brinley F. C. L. Wadsworth

Two letters recd from "Sacramento City" recd (signed many Citizens) ordered to be placed on file—

Communication received from A. J. Mc. Carty offered by F. C. L. Wadsworth, who was ordered by a *Resolution* to inform Mr McCarty that when Charges were preferred he would be sent for—.

Report of the Committee to wait on the "British Consul" recd. Committee dischd and report ordered to be placed on file—

Eugenio Gazales, called into the Ex Committee room. No evidence of Guilt against him—"*Resolved*" that the said Eugenio Gazales be discharged—

On motion of J. B Huie the Committee adjourned until tomorrow evening Seven P. M.

Friday evening July 25th 1851
[Signed] George W Garwood Secty—
[Signed] G. W. Ryckman Pres pro tem
Executive Chamber

MISCELLANEOUS PAPERS

E Gilbert & Co. Eds Alta California July 25, 1851

Alta California Office
San Francisco, July 25, 1851

Gentlemen—

Enclosed you will find a letter which we have received from Sacramento. As we know nothing of its authorship, and can see no good to be gained by its publication, we comply with the request contained in it, and forward it to you.

Yours &c.
[Signed] E. Gilbert & Co.

To "The Vigilance Committee"
San Francisco Califa

Signed Many Citizens. Sacramento City, July 24. 1851

Ed^s of *Alta Cal.*

Gents should the enclosed be worthy of a place in your valuable paper we should be pleased to see it appear—should you not feel inclined to let it appear will you do us the favor to place it in the hands of the Vigilance Committee as soon as possible & oblige very Respectfully

Your fds

Sac City 24^th July 1851
Many Citizens

[Addressed:]
Ed^s of *"Alto California"*
San Francisco

Sac City July 24^th 1851

To the Vigilance Committee San Francisco

Gentlemen—It may not be inoportune at this time for us to state to your honorable body some important information in regard to the out-laws of this country & being the only source we look for true justice to be meted out to those who deserve it for various crimes committed—we would urge upon you to keep in custody one of the greatest villians that ever lived in any community and that individual is *T Belcher Kay* whom you have in your own hands at present[1]—and who will shortly be proved to you to be a villian of the deepest die—a murderer, thief and robber—this miscreant is endeavoring by his adroitness to put forth to the public & to the world that he is innocent, and that he has been wrongfully caged—but you may rest assured that you will have undoubted facts before you shortly to prove his guilt—and we would recommend in the strongest terms to have him kept in close confinement and not let him at large under any circumstances—you have the whole community on your side & they will coincide with you in your every act in trying to ferret out the scoundrels that infest our Country—*We are law abiding Citizens,* but when we have known so many rogues to escape punishment who have been in the hands of the law, we are decidedly in favour of a more efficient way of bringing such rascals to the just punishment they deserve—and never was there a more judicious plan devised for a country like ours, than the one you have adopted—& you may depend that you have the great majority in your favour notwithstanding what is said to the contrary—we have wondered why you do not advertise for information which may lead to the detection of many villians now running at large—and some too there are who hold office professing to do strict justice toward capturing rogues—some of these very men are *known* to be linked in with these desperadoes and which will be made known to you shortly—means are now being employed to give you every information to capture & punish these when you find undoubted proof of their guilt—We trust Gentlemen that you will be upheld in taking the step you have—and we certainly owe much to you for your indefatigable exertions thus far in trying to preserve the lives & property of your fellow-citizens by the organization of the "Vigilince Committee" We can already discover that it has struck terror among that class who came to this country for no other purpose than to plunder & murder—we trust that you will not shrink from the good cause you have enlisted in, until every Scoundrel shall be blotted from our pages—

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[1] This was an error. See note 26, p. 232.

Many Citizens

[Addressed:]
Vigilence Committee
San Francisco

[*Report on Deportation of British Convicts*]

To the Executive Committee of the V. C.

In pursuance with your instructions to Enquire whether The British Consulate could appropriate funds for the return passage of British Subjects who had entered this state contrary to its Laws, Your committee have to report:

That Her Majestys Consul can only appropriate funds for the return of indigent British Sailors, and this only under the *most urgent Circumstances.*

Which report we respectfully submit

[Signed] E A Luwerkrop
" Geo. R Ward
Committee

San Francisco 25th July 1851.

[Annotated:] Recd. Committee discharged and report placed on file

[July 25, 1851]

[*Letter from W. C. Kibbe. Sacramento*]

Mr Higgins

Sir please present. the enclosed letter to the vigilance committee, with the thanks of Mess Hill & Lumm

And oblige
Yours Truly
[Signed] W C Kibbe

W L Higgins Esq.
Sac City July. 25/51

Sacramento City July 25th 1851

To the Vigilance Committee San Francisco,

Gentlemen We have this day arrested the man Alexander Chapman whose description we left with you a few days since charged with stealing money from us.[2] Chapman has acknowledged the theft and a portion of the money has been recovered. he has also implicated another party in the matter by the name of Hodges who has also been arrested. both of whom were taken before a justice and bound over for trial. There are numerous charges preferred against Hodges. alias--Crane—Smith—&c. of Theft and one of murder. We should be most happy to render your very efficient committee any and every assistance in our power in bringing thieves and lawless villians to justice.

Very Respectfully
Your Obt—Servts—
F. Lumm
Jas & Jno Hill
per. W. C. Kibbe

[Addressed:]
Wm. L Higgins Esq
Care Cartwright, Higgins & Co
California below Sansome St
San Francisco

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[2] See p. 289.

SATURDAY, JULY 26, 1851

MINUTES

Minutes of Genl Com July 26, 1851

Mr Selin E Woodworth in the Chair

Minutes of previous meeting read & adopted

On motion of Mr R S Lamotte

Resolved That each Marshall appointed by the Chief of Police shall have power to designate from volunteers "Five" men to serve under his Command and that the men so selected be excused from all except Police duty provided this resolution shall not prevent the Chief or his Marshalls from calling at their discretion on Captains of Companies for the detail already provide for—

On motion of James C Ward

Resolved That the Committee of Finance be instructed to report on Monday next to the Ex Com the Amount of receipts & disbursements (the latter particularised) to this date—The object of having this report is to enable the Committee to take measures to reduce the large expenses under which this association is so unnecessarily laying at the present time

On motion Mr Jas C Ward

Resolved That Commissioners to the number of five be now appointed whose duty it shall be to see that the Gaol funds be properly & economically disbursed—also as it is ascertained that the Jail property is now heavily mortgaged—that said Commissioners be instructed to report by next Saturday Evening whether the funds can be safely put into improvements on the New Gaol—if not they lay before the Committee some safe & suitable plan for the purpose of finishing said Gaol & carrying out the views of the Sheriff and Citizens of San Francisco with regard to this very important matter—The following are the Committee F A Woodworth H S Gates S R Throckmorton Saml Brannan Henry A Barling.

On motion—*Resolved*, that five more be appointed on that Committee—passed The following gent were added—W D M Howard James King of W^m^ James Dows Beverly C Saunders Isaac Bluxome Jr

On motion Dr Stout

Resolved That a Committee of three be appointed by the Chair who shall examine the question of the use & abuse of the writ of Habeas Corpus and report the same to this Committee with its opinion of the degree of respect which shall be accorded by the Vigelance Committee to that writ[1] The following were appointed as the Com Dr A B Stout— W L Bromley Cha^s H Brinley—

On Motion Adjourned

[Signed] Isaac Bluxome J^r
Secretary

MISCELLANEOUS PAPERS

[Draft of a Resolution relating to Charles Duane]

"Whereas in the late trial of Cha^s Duane alias "Dutch Charley" the Jury have acted like men, true to themselves and the desire of their fellow Citizens, *Resolved* that in the opinion of this Committee, that the verdict is just & proper, and that Judge Campbell has Entitled himself to our highest regards in the dispensation of Justice Even handed.[2]

631. V. C. [C. Bohrer]

[Annotated:] laid on table July 26. 1851

[Draft of a Resolution]

Resolved That the *S at Arms* or in his absence the *Chief of Police* have power at their *discretion* to admit any *Civil officer* of the County [and that the S at Arms have power to admit to his own room, any person he may wish admitted[3]] Except in time of meeting

No 605 [Joseph Eyre]

[Annotated:] laid on table. July 26, 1851

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[1] Service of writs of habeas corpus had been evaded by the Committee in the case of at least three prisoners, Stuart, Goff, and Le Bras, but the course was not taken without serious misgivings on the part of some members. The committee appointed on this date reported on August 2 (pp. 404–407), and the decision there submitted is one of the most interesting expressions of the ideas which dominated the leaders of the Committee of Vigilance.

[2] Duane was on this day convicted of the assault on F. A. Ball. See note 3, p. 96.

[3] The words enclosed in brackets have been crossed out.

[July 26, 1851]

[*Communication from Mr Payran*]

To the Members of the Executive Committee,

Gentlemen Owing to business affairs in the Harbor, I could not be with you last Evening, which I much regret; you will therefore be good enough to receive my apology especially as I am the first Delinquent under the new order;

Truly Yours

July 26 1851 [Signed] S Payran

Bob. Trinidad July 26ᵗʰ 1851

Trinidad July 26, 1851

The Schr *Fayaway* has on board a lot of Portuguse who broke into a tent at Elk Camp about 25 miles from here and stole all the things which were there. they were followed down here arrested and let off with a fine I believe them to be a bad set of fellows and wish the vigilence committee to keep their eye on them they had just returned from the mines.

they gave their names as

Jos Smith
Manuel Orion
Frank Joseph
John Thomas
Frank Kenny
Geo Williams
Wm Laurence

I see by the papers that in Stewarts confession he says one Bob Mᶜ Kensie was intere[s]ted with him this fellow has been here some time a Boatman and has now gone to Shasta and if you want him arrested send me the proper documents and I will do it.[4]

Yours

Bob

To F. A. Woodworth Esq
San Francisco

[Addressed:]
F. A. Woodworth Esq
Care Mess Woodworth & Morris
Clay Street Wharf
San Francisco

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[4] See note 27, p. 232.

SUNDAY, JULY 27, 1851

MISCELLANEOUS PAPERS

[*Report of D. J. Thomas, Jr. Case of Belcher Kay*]

Sir According to yr instructions I detailed a guard of one to ascertain the whereabouts of Belcher Kay—Proceeded to Sheriffs Office found it locked up—Went to Jail asked to be admitted; was allowed to go in—ask'd about Kay said he was in that cell—offered to open it & show me—declined the offer as I had full confidence in his word—asked whether K had been out today; said not except in the yard to Church[1]—and authorized me to go halves in any bet between $5 & $5000 that no man had seen him in the streets this day—

Resp^t yr
[Signed] Dan' J Thomas Jr
Marshall 4

7/27/51
To C of Police

Geo H Sanderson. Stockton July 26th 1851

Stockton 26 July /51

Dear Sir

I wish to inform you of the escape of a notorious Horse Thief from our County Jails last evening he was undergoing his sentence of four years his description is as follows

Lewis Mack aged 27 years 5 feet 6 or 7 inches in height long light hair fair smooth complexion wore a Hickory Shirt. Grey Pants. Cloth Cap. & Shoes features round Eyes Blue. hails from New York speaks Spanish & Indian. is One of Stevensons Regiment in Capt Taylors Company[2] has

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[1] The Steamer Edition of the *S. F. Herald*, July 29, reported that Sheriff Hays had recently inaugurated the custom of holding Sunday services in the court of the new jail.

[2] The name of Louis Mack appears among the members of Company E, Captain Nelson Taylor, First N. Y. Volunteers (F. D. Clark, *The First Regiment of N. Y. Volunteers*, N. Y., 1882, p. 38). Another copy of this letter, addressed to the Vigilance Committee of Sacramento has been preserved in the files.

[July 27, 1851]

lived in the lower county for some months—If this man is in your vicinity arrest him and send for us and oblige

your Servt
[Signed] Geo H Sanderson
Sec^{y} Stockton Vigilence Committee

[Annotated:] Placed on book of Records July 27. 1851
I B Jr

Certificate of Membership of Samuel W Langton
Downieville July 27. 1851

This is to certify that the bearer Samuel W. Langton is a member of the Vigilence Committee of Downieville Cal and as such is deligated, by us, said Vigilence Committee, to receive what information or communications any other kindred associations may be disposed to favor us with.

Downieville July 27, 1851
[Signed] A. W. Brockelbank
Cor Sect.
[Signed] E Durgen, President
attest Kent Wright, Recording Secretary

Testimony of Fanny Seymour. Sunday July 27th 1851
[Case of T B Kay]

San Francisco July 27/51

Fanny Seymour[3] being sworn Deposeth and says that on or about the last of October or first of Nov'r last (1850) T Belcher Kay came to the House called "Palace" in company with a man by the name of Charley, (this Charley has since died) I knew T. B. Kay while I resided in San Francisco) in the evening Kay & Charley called for a bottle of Champingine paid for it, drunk it and went out, about 8 or 9 O'Clock Alice and myself were standing in the gallery—we saw three men coming to my house from the direction of the "Hawthorene" Cottage, I remarked to "Alice" "there comes three fellows, we will get some wine out of them" they came in. Kay called for a Bottle of wine "Kay did not drink his wine but poured it out privately into the spittoon, the Miner & Charley drank theirs," then Charley called a bottle of wine, Kay did not drink any of this bottle, but also poured it in the spittoon under the table but the Miner did, (I thought it strange that Kay did not drink his) then the Miner observed it is now my treat, and called for a bottle of wine. Kay did not drink any of this, pour in the spittoon as previously but the Miner did, Charley paid me $10. for his wine, the Miner was pretty tight, the Miner took out a bag of Dust & said you see I have plenty of money to pay to you, threw it on the table and observed if that is not enough I have more, he then took out another Bag—I remarked you had better put your money up Kay took my scales to weigh out $10. & handed me when I took it I thought it felt heavy for that am't afterwards reweighed it and found it weighed $30. (he put it in a paper when he handed it to me) Kay then said to me Fanny bring me another Bottle of wine, I went in to another Room to get the wine when B. Kay came to me & handed me a small Bottle and asked me to put ten drops of this (liquid) in his glass (meaning the miners), this Bottle he had taken out of his side coat pocket and urged me repeatedly to put it in the miners glass which I was filling for the miner, I refused he said if I would do it every drop would be worth $100 to me. "he has plenty of dust." (meaning the miner) and I observed that when I turned Land Pirate I would become such on my own account. I, Fanny, left the phial in the scale Box—the Miner wanted to go up stairs with Alice, (a girl who lived with me) Kay went to Alice and said dont take him (meaning the miner) up stairs as I want to *use him*—Afterward Alice came to me & said, what does he Kay mean by saying he wants to use him? Kay said to me (Fanny) the man has got plenty of Dust this was at the time he handed me the Bottle (I think the miner must have had at least 4000, or 5000$) and you are in with me! I said I never made a dollar in that way and never expect to—

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[3] The *S. F. Herald*, July 28, stated that Fanny Seymour, an important witness in the case of Belcher Kay, had arrived from Sacramento to give evidence before the grand jury. That she also appeared before the Vigilance Committee is evident from the fact that the second portion of her statement is in the handwriting of Isaac Bluxome, Jr., and that, on Sept. 9, the Committee authorized the payment of a bill of $50 for bringing her to headquarters. See voucher No. 42, p. 781.

They never mentioned the name of the Miner—

The reputation of the "Hawthorne" is Bad, I think Charley Barnet kept the Hawthorne at the time refered to by me in this Deposition

[Signed] Fanny Seymour

Fanny Seymour—*Sworn*—I was stopping at the House of Mrs Ross on the Plaza a few days before the election in April last—when Tom Edwards came to the house in company with a Police officer (as he said) he said he was looking for bail—(I heard he had been indibted for murder)—Tom E asked me if I had sold my houses on Kearny St—I told him yes—he said he was glad I had—that I had done him no harm—and there would be a fire before long on that part of the town—he stated as a reason that he would be revenged on Mrs Ross—I suppose that he thought Mrs Ross lived in the old American Hotel at the time (as he pointed over in that direction when speaking of her)—My houses in Kearney were situated in Kearney St between California & Sacramento St

[Signed] Fanny Seymour

San Francisco July 27. 1851

Statement of Daniel Macintosh. July 27, 1851

Donald Macintosh, Born in Scotland I left Liverpool in the Ship *Ion* of London Capt Hunt I left Liverpool about sixteen Months ago—I left the ship at Callao and came in a Schooner called the *Will O'Wisp* to San Francisco, I arrived in San Francisco about July 1850. I worked for the P. M. S. S. Co: Capt Cox, as a Collier—I worked for them nine mo^{s}—since which I have worked at a Scow—I live in a Tent with another Man by the name of Sales I lived on the Sand Hills below California for Ten Months—

MONDAY, JULY 28, 1851

MINUTES

[*Minutes of Executive Committee July 28, 1851*]

Executive Chamber

The Executive Committee Convened this 28th Day of July

[July 28, 1851]

1851. Present Capt. Gorham Stephen Payran Mr Wadsworth Bromley Schenck Garwood Woodworth Ellis Oaks Brinley Presdt of Genl Com:

Finance Committee to report

Sergeant at Arms to Report

Action to be had on the Prison Fund

Report to be made on Prisoners Adams & Hays

Deposition of John Purcell taken as to Adams,

Report of Committee on Dies &c at Custom House received and file.

Resolution of Mr Wadsworth accepted resolution annexed

Resolved That whenever a committee is appointed by the Executive Committee for any duty, where there is any expense incurred, the said Committee shall immediately upon the completion of that duty report a full statement of the expense so incurred—

Also That no bills be paid for boat hire unless the same be ordered by this committee said order to be signed by the president[1]

Resolution offered by Mr Wadsworth as per motion in writing—passed—

Resolution of Capt Gorham with respect to handing Sergt at Arms' a/cs to Finance Com:—passed—motion in writing attached--

That the order to the Sergt at arms to hand in his a/cs in detail to the Ex: Com:, be rescinded, and he be requested to present same to the Finance Com:[1]

Order given to Chief of Police to arrest a party of men living on the sand hill near the Steam Paddy, upon information of Mess' Fitzpatrick & Gilman parties suffering from some of the afore mentioned, whom they can identify—

A letter written to Stockton V. C. communicating the fact to them, that Mrs Hogan has left for Stockton, and is in all probability in search for Sam Whittaker—a request to watch her movements

Moved to adjourn

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[1] The resolutions thus indicated are attached, by wafers, to the minutes of the day.

MISCELLANEOUS PAPERS

Finance Committee Documents

There are	466	fines	at $5		2330.00
Am^{t} collect^{d}	8	"	at $5	$40.00	
Excused	88	"	at $5	440.00	480.00
					$1850.00

one fine out of 11 collected, thus far.

July 28th 1851 Respectfully submitted
Robt Wells Coll^{r}
pr D. L. Oakley

To the Executive Committee

John Purcell Vs George Adams. July 28. 1851

John Purcell *Sw*[*orn*] Looking at Prisoner says it is Adams, I do not know much about this man. One night when on the Police I arrested a man by the name of Swan whom I thought was concerned in robbing a man, I took Swan out of a House on Pacific Street, and Adams came to me and asked me to let Swan go, Adams followed me some little distance and knocked me down with his fist, however with the assistance of another officer I succeeded to arrest both Swan & Adams and took them to the Station House, they had a hearing before the Recorder and were turned over to the District Court for trial Swan for Robbery—and Adams for Assault & Battery, Swan remained committed for Trial Adams was bailed out, Swan was tried and acquitted, the witness not appearing—Adams never appeared, know nothing more, than that Adams has since been arrested for the Stevenson's Burglary

[Signed] John Purcell*

Attest S Payran Presdt of Ex Com^{e}

[Endorsed:] The People vs. Adams

John L Durkee vs George Adams. July 28. 1851

John L Durkee, I know the Prisoner Adams, I know nothing about him except threats made by him. I arrested Adams at one time as an escape Prisoner, he then said that if he got out of

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* See Whittaker's opinion of Purcell, p. 480; also note 5, p. 532.

Prison he would take my life, he never has had an oppertunity of attacking me, some of the Prisoners cautioned me by saying that Adams would put his threats into execution if he should get an oppertunity—I know nothing further about him, I arrested Adams at the place called the *Uncle Sam* when it was kept by Tom Burns,

[Signed] John L. Durkee

C W M^c Cauley Vs George Adams. July 28. 1851

C. W. M^c Cauley. I have been attached to the Police of San Francisco, I know Adams, I watched Col Stevensons Office several nights on the night of the 14th March last two men came up stairs and tried the Lock of the Door of the front Office, and then went away; Joseph Marks told me the same men were to come on the next night, the same men came the next night, about 8 or 9 OClock P. M. they tried the front office door with three keys the keys did not fit, they left the Premices again, Marks then told me that the men would not call again to rob the Premices until there should be no moon, I went with Thomas Eddy the next night the 16th about 8. OClock and stood on Harrison Pier, I went from that to the Oyster Saloon next door, three men looked in, Watkins Seymour and Adams, they went from the door of the Saloon to the door of Col Stevensons Office, the next I saw of them was in Col Stevensons Office, I told Adams that if he moved I would shoot him, we searched him, found on him a four barrelled Pistol, we arrested Watkins & Adams in the office of Col S Seymour Gamble & Burns [?] we arrested outside, and placed them all in Prison

[Signed] C W M^cCaulleny

Attest S Payran

[Order for the Arrest of James Kelly]

Executive Chamber

July 28th 1851

To the Chief of Police

You are hereby requested to detail a Guard arm and equip them for service and proceed forthwith and arrest one James Kelly a Prize Fighter who resides near Alderman Green's House, said Kelly stands charged with robbery and arson—and bring said Kelly into the Custody of the Vigilence Committee

Done by order of the Executive
[Signed] S Payran

[Annotated:] Far side of Mr Green's

Statement made by W^m Benj Heppard alias W^m B Robinson[2]

I was born in New York, no 15 West Broadway in 1819.—Served for several years as Cook & Steward on different Steamboats in the United States. Enlisted in the army in February 1847.—Was attached to Col Longs Regiment of Mounted Rifles—left Benecia on a furlough from Maj Sewell,—and subsequently deserted on the evening of the 20th May last.—Came up on Steamer same night, arrived between 1 & 2 oclock A. M. remained in Sacramento two days—

While there know of Freeman stealing two Horses, he took them to Stockton, sold them returned, came into Thompsons and showed me the money—

Monday started by Boat for Marysville and arrived there about 3 P. M. Tuesday & put up at "Yuba House" Became acquainted with Hawker & one named Oliver—They are partners, they dress as gentlemen, and are Thieves Burglars Pick Pockets or anything connected therewith—remained that afternoon & next day—the day following I left for Longs Bar—saw at Long Bar Hawker & Oliver—they are the men who tied a man to a tree & took from him $1500—got acquainted with "French Bass" alias, John Sullivan—& by him introduced to Henry Wall, an American about 19 yrs old—saw Adams there Saw "Jimmey from Town" in Marysville never saw Stewart to know him—Staid at Long Bar nine days, left Monday & returned to "Marysville" remained there about two weeks, in which time became acquainted with Jack Roster—Roster is now in Sacramento—

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[2] Four men, Robinson, Caruthers, Thompson and Gibson, were arrested in Sacramento, July 9, for attacking and robbing James Wilson, in broad daylight, and close to the city. Intense excitement was aroused by the crime, a Vigilance Committee was organized by the citizens, and an attempt was made to take possession of the prisoners and give them immediate trial and punishment. The city officials pledged themselves that speedy justice should be done, and the crowd dispersed without violence. The trials were held promptly, and taking advantage of the act of April 22, 1851 (see p. 39) the jury sentenced Robinson, Thompson and Gibson to die on August 22, but gave Caruthers the lighter penalty of ten years' imprisonment (*S. F. Herald*, July 22). When the date of execution arrived Governor McDougal reprieved Robinson, in whose favor a petition had been circulated, but the indignant citizens seized him and hung him as soon as the bodies of Thompson and Gibson had been removed from the scaffold. The statement printed above was, probably, made by Robinson at or before the time of sentence, and before his death he made a much longer one which the Sacramento papers branded as utterly unreliable. *S. F. Herald*, July 22, August 24, 25, 29.

Jack Roster is about 5 feet 6 or 7 inches high—Black whiskers, moustache, & imperial, is around Houses of ill fame, Dance Houses &c—

One named Frank, his partner is of light complexion, Blue eyes, light brown Hair, no beard, good looking—know of their committing one Robbery, viz a boarding House near Robinsons Theater—took the money from under the Bed of an old man sleeping there—showed me the money it was in Dust—gave me $100 of the Dust to get changed—the Dust was weighed out to me at a store near the French Restaurant—I took the Dust & went to El Dorado (in Marysville) bet $10 & lost it & took change for bal. played it with a Mexican—I also became acquainted with Mexican Bill, who keeps the dance House—He rec^d the $500, (bal of 600) & dispensed it in small sums to Roster & Frank—Know Bill picked the pocket of a miner, named Thompson of Miners bar, of $190. at the Bar, in his own house—

From Marysville came down with "French Joe"—"Joe" is a mexican & now cooks at the Hermitage on J street—we stop^d here 3 days. met at the Crescent City Jack Roster & Frank
Left Sacramento Monday morning in stage for Nevada—there got acquainted with Henry Johnson, W^m Sefton, Charles & Sam^l Korn Brothers & Pick Pockets, Tom M^{c}Glackin, Pick Pockets &c just out of Cherry Hill Prison, in Pennsylvania, Chas M^{c}Gruder, also a Pickpocket—& Burglar, also W^m Jones, alias Peacock follows same trade, and acts as stool Pigeon for Monte Dealers—

Remember but one robbery at Nevada while there—that was in a dance house, next door to Shepards in Broadway, just above the bridge—A miner named Smith from Coyoto diggins was there, he did not like the women, Peacock, Phil Miller & the

[July 28, 1851]

french Boy "Joe" took hold of him & conducted him to a House on Broadway—knocked for admittance—denied, they then broke the front door open, knocked the miner down and robbed him, and then went up stairs and beat the old man who was in bed with a woman—I was there but 8 or 9 days, from there went to Rough & Ready with "French Joe"—in Rough & Ready about 24 hours—While at Marysville I passed by my true name—

While in Rough & Ready I met with two men whom I consider the most desperate men in the country—One named "Bill Smith"—age about 42. stout built, about 5 feet 8 or 5 ft 9 inches high—dark complexion a gray "goatee" hair some gray & short, bald on top of his head, endeavors to wear his hair so as to cover his baldness—The other, George Thompson, spare built and looks sickly, long black hair combed behind his ears about 5 ft 10 to 5 ft 11 high, aged 35, both natives of Philadelphia.

Bill Smith & Geo Thompson said they were concerned in the Robbery of a safe in San Francisco, with Stewart & Adams—got the safe out of the building, but it was so heavy could get it no further—saw some one coming & was forced to leave it, think they said Jimmy from Town was with them—Then said they got another safe out of the building, burst it open & only got some $24 or $34 in silver, & threw the safe into the water—this was on Long Wharf

Smith told me he was concerned with Adams & Stewart in robbing Jansens store in San Francisco—Stewart struck Jansen with a slung shot, made quite a raise & divided the money—

Smith & Thompson were at the Crescent City Hotel the day before I arrived

A Black fellow named Charley, about 6 feet high, lately released from Prison Brig told Smith, Stewart & Adams of a chance, they went & looked at a House in Pacific Street, got out a small safe, burst it open near the door with an axe & got some 8 or $900—next day left Rough & R by stage leaving Smith & Thompson there, arrived in Sacramento Saturday evening—registered by name at "Bee Hive Bakery" as W^{m} B Robinson—Same evening went to Tehama Theater—met with Cha^{s} Wall

[July 28, 1851]

from Philad^a—Wall is stout built—5 ft 7 or 8 inches high wears half whiskers, jet black and about 50 to 54 yrs of age—A man with him named Cha^s Hecker from New York—between acts came out to drink—as the crowd were getting thro' the door to return to the performance I saw Wall cut with a ring the breast Pocket of an old man & saw Hecker take therefrom a purse, supposed to contain from 6 to $800—have not seen them since—After leaving the Theater met Jack Roster & Frank—they wanted me to [go] with them—told me they were going to sleep at the Crescent City, where they knew of an old man slept with $3000 under his bed—wanted me to go as I was known & bore a good character and would not be suspected—next day they called at my room—told me I was a "flat" for not going with them &c & said they stole a ring worth $50.—

After I was sick they brought a man called Charley, & one called Ben Fuller, a butcher by trade, to my room—the four then went out, took 2 Horses & 4 mules which they sold in Stockton—gone 2 days when they returned & stopped at the Bee Hive.

I was sick 2½ to 3 days, when a man named Romeo, the man arrested here a little time since for stealing cigars, came to my room after I was in bed, and brought with him a Boy who had just escaped from the "Brig"—he was wet through—Romeo wanted clothes for him—the Boy got some clothes—

Romeo, his Brother & the Boy showed me next day at Thompsons (one of my fellow prisoners) two splendid saddles, stolen from a stable here—

Three men at the Arcade, Smith Gibson & another broke open Hardenberghs Store on N Street—

A waiter at Crescent City named Jimmy goes out nights to plunder & steal, waylay men &c—Jimmy went up by the Horse market, opened a House which had just been vacated, broke open trunks & stole therefrom 30 or 40 red hdkfs, shoes &c—

A Jew in the South East corner J & 2^d sts bot the hkdfs & shoes, also a case of black wool Hats which had been stolen from a cart in front of some Auction House in J st—the Jew said he did not want the saddles, wanted Jewelry rich silks &c

Big George belongs in San F. dark complexion, dark curly

[July 28, 1851]

Hair short behind & long in front, limps when he walks, . . . —I saw Jack & George take a man out of the El Dorado, & took him out in the bushes & robbed him of some $65.

Tuesday evening previous to my arrest I met Bill Smith, Chas Thompson, Bill Gruder, Adams, "Jimmy from Town" little Charley, who staid with Mary Sinclair in San Francisco, Roster & Frank, Smith & Gibson—They proposed to go up town & rob the Priest—A Boy Henry who acts as waiter at Crescent City told them there were Trunks at the Priests containing golden images, Jewelry, & some $3000 in money—Smith Adams, "Jimmy from Town" & boy went to Priests, found the Priest had company in his room & returned without doing anything

About two days after I last came in town Roseter, Romeo, the man on the Brig and Smith went to a clothing store on K st robbed it & sold 21 pr pants at $4 pr pair to the Jew before mentioned

On the morning of my arrest I met Gibson & Romeo with 4 or 5 doz Penknives, half a Doz Bowie knives & some 10 or 12 Doz white shirts which they had stolen from a wagon before daylight, & carried them to their tent—Know Whittaker—he is now at Grass Valley—Did not go home tuesday night staid at the Creole House, next morning went up to Mrs Grahams for my bitters, saw Caruthers there—asked him to drink, at that time Wilson came in—Caruthers is a Sydney thief from birth—has been engaged in Picking Pockets &c with Jack Smith—

Did not know Belcher Kay

Saw a man one evening at Jack Smiths he was whispering some 15 minutes with Jack, only heard him speak once—then he picked up a chisel from the counter, looked at it & said "its too thick"—Jack replied, "it was one some of the Boys brought in"—it was between 11 & 12 oclock in the evening—when Kay left Jack told me it was Belcher Kay—said he was one of the Boys—

Jack said Kay was the principal instigator in the big Fire in San F—for the purpose of plunder—"Jimmy from Town" "Dutchy," Betts, Adams & Whittaker were concerned—Kay said he would see that the plunder was properly secured &

divided Jack said they raised some $8000 by it—3 cases of the goods were sent up to the Jew cor J & 2^d before mentioned—

The conversation alluded to between Jack & K took place some 5 or 6 days before I was arrested—Jack agreed to meet Kay the next day—the conversation related to some Brig or Bark lying at the Levee—the vessel is bound for the states—& the plan to rob her two days prior to her intended departure—The steward of the vessel is acquainted with black Charley—& the robbery to be attempted when most of them are ashore—Charley is to hold or tie the steward think the Robbery is still contemplated—

In case the Governor refuses to commute the punishment of the prisoners under sentence of Death, then the following plan is proposed to fire the City—Three men at the Arcade in 2^d st one of them cockeyed, on[e] a sailor, Red shirt & Tarpaulin & one other, Romeo, a big Irishman, known to the writer, red hair & whiskers, a Boy who cooked for him, An Irish Boy, with broken front tooth, once arrested by the vigilance Comm^{ee} of San F. & others are concerned—

They propose to fire by means of a coil of safety fuze, in one end of which is placed a substance which blazes as soon as it communicates with fire—place these in such situations as that when public attention is attracted to one point, the others to be simultaneously ignited to bring the fire around the whole—The fuze was brot from San F.—This has been stated in my presence since I have been sentenced—

Since I was found guilty Jack Smith has told me that Belcher Kay let him have $650 for two Gold Watches & some half Doz splendid Guard Chains—that one of the watches was worth from 7 to $800—

Kay got a proportion of the money stolen at Monterey[3] but paid it all over in bribes to clear the prisoners, saying they were too good & valuable men to be locked up—that they would be worth more than that at liberty—Jack Smith said that Stewart was a fool to come back, & that he would be hung—after Stewarts execution & confession Jack said Belcher Kay would be hung anyhow—

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[3] See note 36, p. 235-236.

[July 28, 1851]

Think the Rolette man in the El Dorado here is implacated with Kay—Know it is the intention of "Jimmy" from Crescent & the men at the Arcade to furnish prisoners with Laudanum night before execution—

I hereby certify that the above is a true copy of the evidence or statement made this day before the Sheriff, Mayor & Mr Ryckman, as taken down at the time

[Signed] L. Curtis,
Mayors Clerk

July 28/51

[*Report of Committee on Dies at Custom House*]

Executive Chamber
July 27th 1851

Mr. Moffatt
Col J. B. Huie
Mr Woodsworth

Gentlemen You are deputed to call at the Appraisers Office, and make an examination of certain Dies &c, and make such arrangements with the Officers of the Customs, as may be necessary to detect the Owner, you will discharge this duty and report to the Executive.[4]

By order of the Executive
[Signed] Stephen Payran
Presdt of Ex of Com

The Committee appointed as above beg leave to report that they have examined the *Dies* in question, and find that the same are not intended for the purpose of counterfeiting the Coin of the United States—

They herewith append impressions taken from two of said Dies.[5]—

All of which is respectfully submitted

[Signed] James B. Huie
" Fredk A Woodworth

San Francisco 28th—July 1851

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[4] See Report of B. F. Hanna, p. 274.

[5] Sealing wax impressions of the dies are attached to this report.

[July 28, 1851]

[*Letter to the Committee of Vigilance, Nevada City*[a]]

San Francisco, July 28, 1851.

To the Committee of Vigilance, Nevada City:

Gentlemen:—In the name of the executive committee of the Committee of Vigilance of San Francisco, and at the request of your friends, I enclose you a copy of our constitution. So far we have acted under it with success in punishing crime and bringing those in authority to a sense of their duty. Our great aim, gentlemen, is to remove corruption from high places, to advance the safety and interest of our adopted state, to establish justice and virtue, without which our fall and ruin would be certain. To secure in the future the great objects we have in view it would be well to look into the character and principles of those whom we would elevate to office, to drag out into light those who may be in office and guilty of corruption, who by their acts have produced so much evil. It is an old and popular doctrine, that it may be necessary to sacrifice the government to the people, but never the people to the government. That your course may be marked with prudence and justice, may God grant. Do not permit vindictiveness to enter into your deliberations. Be calm and determined; swerve not to the right nor to the left, but go onward in your pursuit of right. Be of one mind, and carry your point. The might, majesty, and power of the people can overcome all impending evils; like the thunders of heaven it will shake to naught all corruptive influences, and drive its authors into oblivion. Let the motto of our fathers be ours to sustain and perpetuate—Virtue, Liberty. Let us show ourselves worthy of our origin, determined to sustain and support the blessed privileges bequeathed by them to us. The moment we render up one tittle of the sacred constitution under which we were born, and which cost so much to obtain, and permit a small and corrupt minority to prescribe, we lose our caste, and our boasted institution will become the laughing-stock of the world. I have much confidence in the virtue and integrity of our brothers of the interior, that they will do what is right, and that in time.

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[a] This letter, missing from the files of the Committee, is reprinted from Bancroft's *Popular Tribunals*, I, 460.

[July 28, 1851]

The blessed influences once enjoyed by them and us at our Atlantic homes may be felt and enjoyed throughout our Pacific homes, humbly trusting that the day is not far distant when we may pass from the north to the south, from the east to the west of our western possessions without fear or danger, and behold in every man a brother. Carry with us, brethren, the holy objects we have in view, and rest assured that erelong the mountains of the Sierra Nevada and the valleys will become redolent with charms which will so much endear them to us that we will not separate or leave them until we shall be called to mingle our clay with that of our loved and adopted country.

With deep consideration of respect and esteem, gentlemen, in the name of my colleagues I subscribe myself,

Your obedient servant,

S. J. Payran,

President Executive Committee

Vigilance Committee with Bullett, Patrick & Dow $20.25

Sales of sundries for Account of whom it may concern by Order of the Committee of Vigilance of the City of San Francisco[7]

1 Doz	Corduroy Pants	per pair 75c	$9. —
2 prs	Casimir Do	at 2.50	5. —
2 prs	Boots	at 2.37½	4.75
½ Doz	Merino shirts	per pr 42½	2.55
2	Mexican Hats	at 25	.50
7	glazed Caps	at 15	1.05
			$22.85

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[7] The following notice appeared in the *Alta California* of June 28:

"Notice.—The following unclaimed property having come in possession of the Vigilance Committee, through arrests and otherwise, all whom it may concern are hereby notified to call at the Committee Room to identfy their property, pay charges and take away the same, or it will be sold in ten days time for the benefit of whom it may concern.

1 doz. white merino shirts, 1 doz. scarlet lamb's-wool shirts, 1 doz. grey lamb's-wool drawers, 13 pairs corduroy pants, 4 pairs fancy cassimere pants, 2 pairs fancy cotton pants, 7 glazed caps–No. 3, 2 brown wool hats, 2 pairs fine boots, 1 small carpet bag, movements of French watch. San Francisco, June 28, 1851."

Off 5%—	Commission	$ 1.15	
" 2%	State Tax	.45	
"	Advertising	1.—	2.60
			$20.25

San Francisco July 28th 1851

Bullett, Patrick & Dow
By Albert Moller

Off for 3 pr Corduroy Pants at 2.00	$6 —
	$14.25

Tuesday, July 29, 1851

MINUTES

Minutes of General Meeting July 29. 1851

Mr James B Huie in the chair

Minutes of previous meeting read & approved

Further evidence in the case of George Adams was read by the President of Executive Committee with a request that further time be allowed the committee to collect evidence—report accepted—Committee allowed until Tuesday next August 5.— to collect testimony—

On motion

Resolved That evidence in case of Hayes be read on Saturday night

On motion Adjourned

[Signed] Isaac Bluxome Jr
Secretary

MISCELLANEOUS PAPERS

[*Report in the Case of Hays*]

Executive Committee
July 29th 1851

In case of Hayes now in Custody Your Committee report

[July 29, 1851]

That the said Hayes stands implicated with Adams Burns, Ainsworth & Switzer, both by admission on his part, as well as from the Evidence

It has been alleged that the said Hayes was intended as State's Evidence against his associates We however cannot view his case in that light, when we take into consideration the fact, that when the State adopts that mode of action it is when there is no witnesses to prove the guilt of the accused, they then select the most guiltless to establish the necessary facts

In the cases before us, there has been abundance of Witnesses to prove the guilt of all without the use of any one of the Prisoners, to wit *Baker*—the cases tried in Court shows the impolicy of our adopting any such precedent in our body; we would recommend that Hayes be tried by the Authorities

[Signed] S Payran
Presdt of Ex Com^{e}

[Annotated:] report accepted July 29, 1851

[*Report in the Case of Adams*]

Executive Committee
July 28th 1851

In the Case of Adams now in custody of Committee

Your Executive Committee have held the case of Adams under advisement since the last General Meeting, as well as taken additional testimony touching the case

After the most elaborate examination of the Testimony and mature deliberation, your committee cannot see anything to alter their previous views on the subject

The only charge made out against Adams is that of the Stevenson's Burglary, in which Burglary Watkins was the principal

The Accomplices of Adams do not implicate him in any other transactions, so that to this time he remains without further committal,

Other testimony (it is reported) will be adduced to the Executive showing further guilt—

Your Committee respectfully suggest the propriety of continuing the case of Adams until the next General Meeting, when the case may present a different aspect for final action

[Signed] S Payran
Presdt of Ex Com

[Annotated:] Report Accepted July 29, 1851

Report of the Finance Committee July 29th 1851

To the Executive Committee

The Committee on Finance have to report that by the enclosed account of the Treasurer[1] the "Committee of Vigilance" is indebted to that officer in the sum of $513.05
and that there are bills now approved & unpaid to the amt of 607.20

In all an indebtedness of $1120.25
Eleven Hundred & Twenty $^{25}/_{100}$ Dollars.

There is due the Com^{ee} as follows from 71 Members Intiation

fees in the month of June	$355.
do 9 members in July	" 45.
Assessments for July 350 members	" 1680.
	$2080.

The Committee on Finance would earnestly recommend that prompt measures be adopted to ensure the collection of the sums as above, and that more economy be adopted by the Water Police,[2] the expense of which has far exceeded their estimates in their last reports to your body

All of which is respectfully submitted
San Francisco July 29 1851
[Signed] J. C. L. Wadsworth Chrm
" Geo: R, Ward
" Delessert

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[1] See p. 766.

[2] The bills for boat hire were very large. See vouchers Nos. 4, 8, 30, 33, 74, 76, 77, 81, 86, 88, pp. 771–795, and No. 6, p. 770.

[July 29, 1851]

[*Report of D. J. Thomas, Jr. Case of James Kelly*]

1 A. M July 29

Sir—Have returned from the search after Ja^{s} Kelly—After leaving here endeavored to ascertain his haunts. Found a man that knew him—took him along.

First went to Bob Monroes & Mrs Roberts' where K had been living (it is the same place where Oakes & self went some 2 weeks since) K was not in the house but Mrs R & 2 men who were there said he left about daylight yesterday morning—Then went to Horrigan's alias Bungaraby Jacks where we found 10 or 12 suspicious looking men but not the one we were after. Horrigan said that about noon whilst K was in the back room 2 police men came in and asked for him, H went back and told K whereupon he ran out of the back door & had not been seen since—Detailed a portion of my guard up to Pacific & Sansome to search Bob Monroes new house—they have since reported that they could not find it—After seperating the guard we proceeded out the Mission road. Ascertained that K passed out that way a little after noon. Just as we came to the house of [. . .] with whom K was formerly connected Ald Green overtook us—He said he knew K & every man who belonged to the house and that he would wake them up & see whether K was there—he did so and satisfied me that K was not then in the house, though I think he had been during the day—

I have no doubt but that he has gone to the Mission or Abbey & advise that 2 or 3 horsemen be sent to make Enquiries stopping at the old half way house to find out whether any of Tom Hays people saw him

[Signed] Daniel J Thomas Jr
Marshal 4

To J L Van Bokelin Esq

About 2 oclock a report came in that Whittaker was in town—Went & found the man—a false alarm—

[Addressed:]
J. L. Van Bokelin Esq
Chief of Police

Statement of John J Arentrue: July 29, 1851

John J. Arenirue:—*Examined*—Says that all the charges brought against him are false—Never had any association or connection with any thief but one.—Has frequently labored for the purpose of detecting crime and arresting thieves.—Has always lived in San Francisco during his stay in California and has always pursued an honest upright course.—Has been anxious to appear before the Committee in order to undergo an examination. but has been unsuccessful in doing so until the present moment.—Disavows all knowledge of a certain plot to rob and murder an individual at some distance from San Francisco.—Would be glad to be confronted with the person making these charges against him.—Lodged in Webb Street last Winter.—Never introduced anyone to the owner of the property there—

Never proposed to Mr Richardson the owner of the property to go to the mines.—

the house I lived in was the same house in which Christy attempted suicide.—

Did at one time assist in fitting out a party for the mines, composed of men who were with him in Mexico.—

I intended going this afternoon to Stockton & Sonora for the purpose of meeting at the latter place Mr Philip Rietzel, who I am informed has made a valuable discovery of gold, and I intended going into the speculation with him.—I received notice of the fact of this discovery through Mr Larantret a boarder in Mr Eddy's Hotel on Pacific St.—Reitzel is a man much addicted to liquor and is in the habit of getting drunk every night—Knowing my influence over said Reitzel I concluded to go up there and connect myself with him.—

Did once live in the house with Mrs Hogan, in company with a woman, but left the house as soon as I found out its character

Once gave counsel and advice to Bill Watkins.—Have known Watkins in New Orleans as a thief & has known him here as the same.—Visited him twice while in prison.—Went there for the purpose of taking him a legal adviser.—Never gave Money to Watkins after his escape from prison, but gave him a pair of boots.—

Advised him to leave the city and go to the mines after his escape from prison—Told him to stay away a year or two and the affair would be forgotten. Told Mr Eadie of the Police that I had seen Watkins, & said he lived over the hill—the telegraph hill.—Eadie said he knew where he was and would get him after a while—This was a day or two after I had seen Watkins—I was then boarding at Mr Eadies a brother of the Police Officer.—Slept four nights only at Mrs Hogans—did not eat there.—

Does not recollect ever having said to any one that I gave money to Watkins.—

Capt Lambert desired me to obtain counsel for Watkins while in prison.—

Never had but one interview with Watkins after his escape.—I then met him at the corner of Montgomery St & Pacific St.—it was in the night.—I there took off my boots gave them to Watkins and walked home barefoot.—

Was not in his company at the time of his arrest.—Heard he was in the company of a man I knew but did not hear the mans name.—

The second time I saw Watkins in prison I went there for the purpose of seeing Capt. Gallagher, but at the same time took up some clothes for Watkins given to me by Mr David Earle, the same man as was indicted for Bigamy.—

When I took counsel to the prisoner, the first time I saw him in prison, it was before his conviction.—I only know of Watkins breaking Goal once—The man who stabbed me on Merchant St was named Billy—Mr Green who keeps a livery stable knows who he is—The reason why he was not prosecuted, That I did not want my family to know of it, I know Sam Whittaker, but did not know, he was a Thief, untill Some time ago. and then overheard the Whisperings of a night, in M^{rs} Hogan—My first acquaintance with M^{r} Richardson was in Sept. or Oct. 1850

I think Richardson a low, mean, vicious and vindictive character.

The reason why Richardson did not join me was that I did not want his money. I had $1000 at Orrin Bailey's at the time

These men I furnish to go to Trinity Mines I only advanced them clothing only—

I knew Watkins on the Mississippi River—I was robbed on the river of 4000$—I said that if any person would give me 300—or 500$ I would give the balance stolen—Watkins returned the money to me—The first time I saw Watkins was the night after he escaped from Prison—I would not have known him had he not been in Prison with David Earle—

Statement of John D Kloppenburg alias Dutchey Oldenburg July 29. 1851

John D. Kloppenburg Alias Dutchey Oldenburg Germany I was born 15th April 1819. about thirty two years of age, I left the Port of Bremen in September 1843 for New Orleans. I arrived at N Orleans in November 1843, I remained at N. O. three days, and went to Washita L^a—there I remained until April 1849. I then started for California via the Isthmus, I took passage on the Steamer *Oregon* as Fireman, and arrived in San Francisco in July—made another trip to Panama & back I returned to S. F. in September I then remained ashore at San F. for six weeks I done nothing I boarded at St Charles and got in debt $175—then Jack Hundley gave me an Ounce a day to shake dice—I have gambled from that time to the present time except six months, I went to Santa Cruz to get out square timber for M^r Williams I worked at that about four months I worked three or four weeks for Donnahue at assisting in his Machine shop, I have gambled in San Francisco, After leaving Machine shop I went to Sacramento & gambled at the Orleans House dealing Monte, I have gambled at Marysville Rose's Bar in company with a man by the name of Lee I knew T Belcher Kay by sight, I knew him in San Francisco, I never saw him engaged in any business, I heard that he was engaged in dealing Faro at the Parker House I have seen him buck against Monte—While I boarded at Smith in Kearney Street a man told me that a man there was Jemmy from Town, I know nothing more of him, Smith kept a House next to the Warren House above Jackson Street, I did not know Betts, I do not know Sam Whittaker I knew M^{rs} Hogan, I do not know Jack Arentrue nor David Earl, I knew Jack Smith, there boarded at Smith an Englishman by the name of Ned Carpenter alias English Ned, (*Adams brought in and confronted with Witness* *says he does not know him)* Belcher Kay came with Paddy St Clair to see Ned Carpenter, had no conversation other than giving the time of day I used to go to Mrs Hogan's House to see Hetherington and Dan Davis, saw no persons there that I knew —I live in Powell Street between Broadway & Valejo Sts—there are two small Adobe houses—I live in the dark Adobe—

[Signed] John D Kloppenburg

Dudley Hoag & Houston. Statement in relation to a Hat & Boots found at low Water at the foot of Mission Street this 29th July A D 1851

J. M. Dudley, H Hoag, & E Houston, brought to Executive room, a fine Silk Hat, and a pair of French Boots nearly new, which were found at low Water at the foot of Mission Street, the circumstances attending the case were these, about 10 or 11 OClock A. M. of this 29 July 1851 an open Barouche or Carriage with Bay or Dark Horses, containing two Females, and a Driver drove near the water, (an out of the way place for a Carriage) Mr Dudley observed a man throw something into the water which made a splash, he also saw the man throw a Hat into the water, while the man or Driver done this one of the Women held the reins, as near as he could judge, and drove away immediately, the Witnesses, believe that Mr Samuel Eddy could identify the Carriage and the Woman, not thinking of anything improper they did not make any inquiry—their suspicions became excited from the fact that Mr Houston found the Hat & Boots at low water, the Hat had two Brickbats in it, and the Boots had one Brick in each, sufficient to sink them, the witnesses are confident that the Hat & Boots were thrown into the water by these Persons, when the last article was thrown into the water, heard one of the Females ask *did it sink*—

Attest

S Payran

M Eddy. as I was going to Dinner to day about 11 & 30 min A M I stopped at Mess Hoag & Whiston's and while looking out at the door I saw a Barouche & pair of Horses containing two Females, and a Driver standing with their heads towards me.

the Carriage was near the edge of the water, this was at the foot of Mission Street, if I were to see the Carriage & Horses I think I should know it, I also think I would know one of the Women were I to see her;—

Ed L Bill corroberates Mr Eddy's statement, and further states that he was with Mr Eddy at the time, and describes one of the Females as having a white Feather in a light Bonnett, I think I should know her again—from some observation made by one of the Women, I was led to believe that they were going home,

Mr Bill can be found at Doct Mines

[Endorsed:] Order of inquiry of Livery Stables issued—

Taylor's Statement. July 29th 1851

Mr Taylor, I own an open Carriage Bay Horses, my Carriage stands opposite the California Exchange, my Carriage stood there to day and has not been off the stand today except to water the Horses, and home, I know no Carriage except Green's that had a job today, and the Man told me that he had a job to the Grave Yard; I did not leave my Carriage for more than ten minutes to day, my man lives on Dupont Street between California & Bush Street

Grey & Bay	Traverse & Crow	Kearney St
Bays—	Green & Bowman—	
Grays—	Mr Jones—	
Bays—	Orrick Johnson—	
Grey Horse	Clark & Simpson—	have open Carriages—

Attest

S Payran

Mary St Clair against Hat & Boots found at foot of Mission St

Mary A. St Clair *sw*[*orn*] I am a native of the U. S. I have resided for some years in the City of New York, I arrived in San Francisco on or about the fifth of September 1850. I have resided in the City of San Francisco ever since with the exception of about three or four weeks—part of the two or three weeks I was Sacramento, Stockton Sonoro—and returned. I reside on Merchant Street opposite the Union Hotel,—

I rode out with Jane Hurley yesterday between 10 & 12 OClock, Jane Hurley sent and hired the Carriage, I do not know from whom she hired it, we drove down to the foot of Mission Street on the Bay and there directed the Driver to throw a pair of Boots and a Hat into the water, Jane Hurley did not like to see the things about, Jane Hurley sent to some Person to take the things away, so she told me, the Hat & Boots belonged to Mr Pollock[8] who was shot in my House

Adams confronted with witness I do not know Bill Smith, Charles Thompson, Bill Gruder I know Jemmy from Town do not know little Charley—I do not know Mary St Clair, I never was at her House either alone or in company with these Persons

[Signed] M A St Clair

WEDNESDAY, JULY 30, 1851

MISCELLANEOUS PAPERS

Testimony of Capt Lambert against John J Arrentrue—

Capt Wm Lambert— I am Keeper of the County Gaol—I know John J Arentrue—A few days after I received Watkins (the burglar) he came to Prison & desired to see him—I went with him to the cell—Arentrue told Watkins he was he was sorry to see him in Prison again and would do what he could for him—he asked Watkins if he wanted anything—Mr A then asked me if I would allow him to bring anything to Watkins—I told him I would allow him to bring clothing—he asked me if I would allow him to bring eatables—I told him I would not—I told him (A) at the same time I would allow the Clerk to provide any provisions for him if he (Watkins) would pay for them—(This I allow the Clerk as a perquisite) (We give the prisoners good hearty food and a full allowance) After this and before he left the Prison he came to me and desired that I would treat him well—he then left and a few days after I met Arentrue on the Plaza—and he asked me if I would allow him to go to the Prison at any time? I told him any time when we were not engaged he might come in—I then left him—and about

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[8] See note 8, p. 219.

2 or 3 days afterward he came to Prison and wanted to come in—I told him I was too busy to allow him to come in at that time—as I had no one to wait upon him—he went off—After Watkins had his trial and was sentenced Arentrue came to Prison with a large bundle of clothes—I put the Clothes in the closet with Prisoners clothes with a label and went to the cell with him—I then called called for Dr Weeks—(the clerk) and told him to allow Arentrue to see Watkins for 2 or 3 minutes and left him there for the time allowed—Since this I have seen Arentrue walking about the Prison and was strolling about—I called the Clerk and pointed out the man to him and told him not to allow the man come in at any time—Previous to this Watkins went to Court to have his trial—on his return in searching him I found money I think from 30 to 50$—Watkins told me he got it from Jack Arentrue—*x ex* [*Cross Examination*] I never requested Arentrue to get counsel for Watkins—I dont think Arentrue brought Council to Watkins—I think I remember that Arentrue told me one day in the street that he had engaged Mr Barton to attend to Watkins case—I never saw Arentrue and David Earle together until after Earle was released from the Station house

San Francisco July 30 1851

Police Order

Executive Chamber
July 30^{th} 1851

Capt Ryder

You are hereby requested to take with you a sufficient guard well armed & equipped, and arrest one J. Arrentrue, and bring him into the Custody of the Committee of Vigilance forthwith

By Order of the

Executive

W^m. R. Richardson against John J Arentrue

Cross Examined by Prisoner[1]

How much do I owe you, Witness answered I do not know that you owe me anything, you may owe me a few dollars—

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[1] The pages containing Richardson's statement are missing.

M^{r} Arentrue states the name of the men whom he alledges are the men stated by M^{r} Richardson—Lieutenant Hare—The 2 English^{n} are Two Brothers, by name of Dreer—Mr Joseph Faulkner—John Bingham—Daniel Blair

Remember seeing in a news paper that a man was Killed in the mines some five or six months since—after the conversation with Mr Arentrue & others—in a San Francisco paper—dont recollect which—dont think I mentioned to any person except my son any thing that was said by Mr Arentrue to me about the plan to rob a man in the mines—I saw Mr Arentrue I think on Long Wharf—I was talking to Hariett (Mr Arentures woman) at the time—

San Francisco July 30, 1851

[*Police Order*]

Executive Chamber
July 30th 1851

Capt Rider

You are hereby requested to depute a guard of One to bring the Person of Mary Sullivan into the Custody of the Committee of Vigilance for examination

By Order of the Executive
[Signed] S Payran
Presdt of Ex C

Joseph Chatelier against Patrick Mead. July 30, 1851

Joseph Chatellier— I was standing before my shop when the Prisoner Patrick Mead came into the next room w[h]ere my trunks were—I heard a noise and asked if it was my partner—I went out and saw this man breaking open a trunk—I arrived in time to prevent it—I ordered him off—I took him out of my house I feared he was armed—and I ran into my house to get a stick—I again told him to go out and he would not go—and I was about to strike him when the Police took him—he did not have time to rob me—I lived in Dupon St corner of an Alley (name unknown) This robbery occured on Monday last—near day light—I had just fed my mules—and left the door open—

my back was turned at the time My back was turned about 5 minutes

[Signed] Chatellier

San Francisco July 30. 1851

THURSDAY, JULY 31, 1851

MISCELLANEOUS PAPERS

[Order for the arrest of James Warren]

Chief of Police

You will detail a guard and proceed on Board the Brig *Ruth,* and arrest one James (or B) Warren charged with Robbery and bring him with all his Baggage Money &c—as well as passage money, if the Captain or Consignees will give it up (Search his Person and take all into possession—and bring him and effects into the Custody of the Vigilence Committee

By order of the Executive

July 31 1851

[Signed] S Payran
Presdt of Ex Com^{e}

[Endorsed:] Ret^{d} with Prisoner at ½ Past two
No 418 Oakley

3 bags of Gold dust taken from him are in the possession of the Sergeant at Arms Amt about $1500 as he states

No 418

W^{m} Bland & Phillips. 'Evidence against James W Warren

In the Matter of James W. Warren Charged with Robbery

William Bland *Sw[orn]* I know James W. Warren, I knew him on Trinity River, when Warren first came on the River he worked for myself and Brother a few days at four dollars a day, he then went into partnership with Horace Tarbell, Tarbell and Warren worked together until last Saturday was a week, Warren left the Diggings last Tuesday was a week, he said he was sick, and that he was going to see a man at the Upper Ferry called Reuben Smith, we never learned that he stopped at

[July 31, 1851]

the Upper Ferry My Brother coming from Shasta City on Trinity Mountain met Warren on Wednesday morning, the day after he, W. left another packer met Warren near Shasta City—he told my Brother that there were letters at Shasta City and he was going after them, he told the Packer that he had got a Letter, my Brother said that Warren name was not on the Express List of Letters—This Packer heard Warren make a contract with a Mule Team to take him—Warren to Sacramento City for Ten dollars, (the Packer heard Warren say to the owner of the Team that he had received a Letter from home and he was going to the States,) *in Bracketts witness explains*—as thus, Warren told the Packer that he Warren had received a Letter from home—and that he was going to the States, this is what the Packer told us at the Bar—when I [my] Brother returned home, he told H. Tarbell, Warren's Partner that Warren was going to the States—my Brother told this to Tarbell as a joke, The Packer and the man to whom Warren sold his Tools got back to the Diggings on Saturday following the Tuesday on which Warren left—they reported that Warren had started for the States.—

The M^c^Gowan Boys missed their Gold Dust on Friday, about $100, taken out of four different Purses—H. Tarbell missed his money on Saturday a little after 12 OClock (Warren had left on Tuesday before) Tarbell missed as near as he could recollect about $500—this is all the money that was missing—Tarbell thought he had not lost any but on opening the Bag he found that about that amount $500 had been taken out and Black sand put in in lieu of it, Horace Tarbell told me that he had made a little over $1000 on that Bar, H Tarbell had about 1000 to 1500 on deposit beside this money—the only reason why the Boys suspected this man was, that he had gone to the States, Horace Tarbell offered to me, M^r^ Phillips all the Money that he had lost if we caught Warren if not that he would pay all our expenses—

This man Warren always sustained a good character at the Mines, we had no reason to suspect him, except in this case there has been, and now is many Thieves on the Trinity, and a good deal of money stolen there, I do not know the names of the Thieves—

I do not know anything of this Robbery except by hearsay—M^r^ Warren did very well on this Bar, he made six or $700 on this Bar

his
William X Bland
Mark

Witness W. L. Bromley

Nathaniel T. Phillips *Sw[orn]* I have heard the Evidence of William Bland read and it is substantially true, and is all that I know about it;

[Signed] Nath^l^ T Phillips

[Endorsed:] Filed July 31/51

James W Warren. Statement

In the matter of James W. Warren Charged with Robbery

July 31^st^ 1851 Ex^e^

James W. Warren, I am a Native of Derby Orleans County State of Vermont. I am forty years of age. I left in April 1850. I came to California by way of the Plains, I resided sometime at Horse Shoe Bar, and some time at Coloma, and along the little Bars of American River until January 1851, I then started up for the Northern Mine I stopped at M^r^ Ruford & M^r^ Prierson about 30 miles above Sacramento City and worked for them at splitting rails, I left M^r^ Prierson with another man by name of Cook to go on up to the Mines, we went as far as Canion Creek, sold a Mare we had and went with a M^r^ Spencer and his Brother, assisted them in driving Cattle tō the North Salmon. I stopped at Salmon Creek about three weeks. I then joined a young man by name of Tarbell, and went on to the Trinity to work with him, I worked with him until within ten days of this time, I started then to go to the Upper Ferry, and got as far as the Middle Ferry, and not having received any Letters from Home, a man told me that there was a Letter at the Springs for me, I then went to the Springs, I there got a Letter from my Wife, I have not the Letter, I lost the Letter, knife and belt, between Fremont and Sacramento City—I then came on down to San

Francisco, my object in coming to S. F. was to go home, I made an arrangement to go home in a Brig called the *Ruth*, I bought the Ticket from a young man by name of Isaac Watkins[?] for fifty dollars, I had been on board the Brig—I had nothing on board the Brig but a double barrelled Gun, which is now in the Committee of Vigilence Room—I went to the Salmon I had about $1000—I went to Trinity—I had a little rising of $1000—I had about 500 to $600 that I made on the Trinity so that I had about $1500 to $1600—I do not think that I expended $100 in coming down to S. F.

At the Springs I sold my Blankets Pick & Shovel & some Flour, to a man, the things sold by me were at my Cabin at Batchelors Bar on the Trinity, I was acquainted with the man to whom I sold the goods, he paid me five dollars—My Partner's name who worked with me was Horace Tarbell, I did not tell any one at the Digging, that I was going home I had settled up with him, we divided every Sunday—I left the Bar on Tuesday we had divided our Money on the Sunday previous—I had no intention of going home when I left the Bar receiving the Letter from my Wife at the Springs induced me to think of going home, I did not leave the Bar with an expectation of getting a Letter, I set out to make a little journey for my health I did not know whether it would benefit me or not, We worked nearly three months on the Trinity, we divided from 40$ to 96$ per week a piece Tarbell must have had $5 to $600 as his share derived from the Diggings on the Trinity

There was nothing in the Letter of much importance to induce me to go home except that my wife had a young child born since my absence, and that a man who had lived on my Place had moved, and I thought I would go home at any rate,

I have not wronged any Man in California out of a cent, I never took or stole any Money the money I had in my possession and taken from my Person, is my own, I worked hard at the Mines to obtain it, and came honestly by it—

[Signed] J. W. Warren

[Endorsed:] Taken & filed July 31, 1851
Honorably Discharged by the Committee

[*Police Orders*]

You are requested to bring Norman A'sing to the Committee Room for examination as a witness and herein fail not

By order of Executive Committee

July 31st 1851

[Signed] S Payran

To the Police

[Annotated:] Retd with N. Assing at 7¼ o'clock
No 418 [D. L. Oakley]

Chief of Police

You are directed forthwith to proceed and arrest one David Earle, and bring him into the Custody of the Vigilence Committee, and herein fail not

Done by order of the Executive
July 31st 1851

[Annotated:] Duplicate

You will notify Edward Lambert to appear before the Vigilence Committee for examination as a witness. and herein fail not

By order of the Executive
July 31st A D 1851
[Signed] S Payran

To the Police

[Annotated:] Non Comatabus Will present himself at 10 oclock tomorrow on his brothers guarantee
No 418 [D. L. Oakley]

[Addressed:]
To the Executive Committee.
Present
D. L. Oakley

Piley Rush. Santa Clara July 31. 1851

Santa Clara July 31/51

To Mr Payran and the Seargant at Arms of the Vigilance Committee of San Francisco

The bearer Col. Peter J. Davis is a member of our Committee & one of the five for Correspondence Allow me to recom-

[July 31, 1851]

mend him to your Notice as a Worthy member and one that means to straighten up the rascals wherever he finds them. I see by the paper you have got another Victim please communicate what you are doing, Respectfully

Piley Rush Chairman
of Committee of Correspondence—

[Addressed:]
To the Seargeant at Arms
Vigilance Committee
San Francisco

Ruben Calhoon. Sacramento City July 31. 1851

Sacramento City July 31st 1851

Executive Committee
San Francisco

Gentlemen Whitaker in company with one other escaped from this city night before last, between 2 & 5 A M. in a stolen boat, I think he is going to the Southern mines I have scoured the bank of the River 20 miles below this city, and shall start again tonight.

in great & Respdy
[Signed] Reuben Calhoun
V. C. 620

J R Beard. July 31. 1851. Sacramento City

Sac City July 31st 1851

To the Executive Committee of the Committee of Vigilance

Gents. Should Belcher Kay be discharged from the Custody of the Courts to morrow, I should like you to hold on to him for two or three days, and send me all the information you may have against him in order to assist in bringing out other information in this City. Should he arrive here before we have made our arrangements he may escape his just diserves. I shall expect to hear from you in relation to this matter by the morrows Express, and I have no doubts but that he will be fully Convicted in this City. I would refer to any of the members of your Committee in Case you should have any hesitation in sending me the required information

Respy Yours
[Signed] J R Beard

We will send an Officer after him but require all the information before he is sent for—

J. R. B.

[*Letter from Sincere Friend*]

Sacramento City 31st July 1851

To the Vigilance Committee of San Francisco

Gentlemen It is understood by our citizens that T Belcher Kay is to be brought to this city for trial I would suggest to your Honorable body the impropriety of such a move at the earliest moment—for I am well satisfied from facts which I have in my possession that his removal here from *your* hands is for no other purpose than to insure his escape from justice It is a plot made up by individuals a part of his gang who are now infesting this city and to be plain with you Gentlemen I have been applied to as their attorney as they well know that I am intimate with all the Judges here knowing that his attorney at the Bay is not—any amount of money has been offered to me or to be secured to me to pay Judges to pick jurors who would act in accordance to their will and you know that mony has a desirable effect if obtained secretly It is now election times, the Judges are aware of their large gang and to what extent a vote can be controled See how this notorious Tom Edwards[1] escaped at the last election as men running for public office knew he could control a large vote and through these same men he controlled the large vote for, he escaped justice through It is well known that it was only through your honorable body this villian Kay was arrested and just so sure as he passes out of *your hands* into the professed legal authorities just so sure will he escape justice and see the great number who have escaped justice before your honorable body was organized and took the matter in hand, and bribery has been the cause of it—Being a member of the Bar I have opportunities to know about these matters having been repeatedly applied to, but have declined in every instance on the ground, not only of honor, but that I did not wish my name before the public as being counsel for such a vile set of men. And to show you how crimes are hidden by bribery alone I will relate a circumstance which occured here a few evenings since in the case of a man named Campbell who committed a robbery of a Lady to the amount of six hundred dollars—she applied for a warrant for his arrest between ten and eleven oclock when the identical money that was stolen was found upon the rogue in his possession and instead of the officials keeping him in custody till next morning and trying him before the public, he at midnight had a secret trial through the means of *money* and also the Presses were bribed not to notice it   many of his friends has called upon the Lady to have the complaint withdrawn and offered her large amounts for that purpose and she applied to the Judge to withdraw said complaint who stated that he had many applications to have it withdrawn and that it would be done in a few days provided *nothing was said* about it, as the Presses have already been made silent on the subject

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[1] The *Alta California,* March 27, 1851, spoke of the capture, in Sacramento, of the notorious Thomas Edwards, who had broken jail when arrested on a serious charge in August, 1850. In the next issue it reported: "There seems to be quite an excitement in Sacramento relative to the escape of Edwards who was arrested a few days since, and who was charged with shooting two Mexicans, and was let off on bail."

Gentlemen I would call your especial attention to the perusal of a certain article on first page of the "*Alta California*" of July 30th headed "*Delay is Dangerous*"[2]

I am most respectfully your sincere friend

[. . .]

[Endorsed:] No Signature   Sacramento City July 31. 1851

[Addressed:]
Hon. Samuel Brannan
San Francisco
Cal

Gregory & Co Express   Please deliver immediately after arrival.

[Stamped:] Gregory's Express Paid

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[2] The *Alta* of July 30 printed an editorial condemning the many postponements occurring in the criminal courts of the city and state.

[July 31, 1851]

Copy [*of a letter to Captain Wakeman*]

July 31 51

Executive Committee of the Vigilance Committee of San Francisco, July 31, 1851

At a special meeting of the Executive Committee held this day a vote of thanks was passed, to be tendered by the President of the Executive Board to Capt Edgar Wakeman[3] for the faithful and honorable discharge of his duties as a member of the Committee of Vigilance of San Francisco,

Capt. Edgar Wakeman,

Dear Sir, "Herewith you will receive a vote of thanks passed by your Brethren in token of the respect they feel, for the many and very important services rendered by you, as a member of this body—In this name I must express great reg[ret at your] absence even for a short period, but at the [same time] we feel great pleasure at the prospective be[nefits you] may receive from the position in which [you are to be] placed, as Commander of the good [Ship *Indepen*]*dence;* you are now about to ret[urn to a life] on the waters, still a Citizen of [San Francisco, and a] member of the Vigilance Comm[ittee] . . . not lost by reason of water, [but] . . . your Vigilance is rather inc[reased] . . . May a firm hand and steady ever be yours to guard against hidden rocks and lee shore, if firmness, and coolness in action are any evidence of character in time of danger, to you we accord much praise.

While our devoted City was undergoing the horrid ordeals of arson, murder & Burglaries, when corruption in all Departments of State walked abroad at noon-day, and like the Harlot had lost all conscientiousness, when the People dismayed and ruined scarcely knew what to do, I say at that moment you joined the good and virtuous to put down the evils, showing conclusively that the People when once justly excited, are and of right ought to be the governing principle so far we have done well, but there remains [much] to be done before the reins should be relaxed—[we hop]e to meet you often, our hearts are ever open to receive [you] whenever you enter our Port, or meet where we may—[we wish] you a long and prosperous life, and in the end a [safe anchorage] in the Haven of Eternal rest.

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[3] Captain Wakeman, chief of the water police of the Committee of Vigilance, had recently been appointed commander of the Vanderbilt line steamer, *Independence*, and sailed from San Francisco for Panama on July 31. The papers reported that a large number of his friends assembled on board to say farewell, and Mr. Woodworth, as spokesman, made presentation of a signal flag of crimson satin, fourteen feet long, emblazoned with the two words "Vigilance" and "Eureka." The copy of the letter is badly torn, but obvious words are supplied, in brackets.

With Sentiments of regard for high & virtuous actions in good cause of the People, We are yours ever & truly,

Signed Stephen Payran, President of Ex. Committee John F. Spence, W^{m} F Coleman, George Mellus, James B Huie, Chas L Brinley, Thomas M^{c}Cahill, James F Curtiss, G. M. Garwood, F A Woodworth, Selim E Woodworth, Ex officio member of Executive Com^{ttee} and President of General Comtee

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[The following undated documents appear to relate to events which transpired in July, although it is impossible to determine their exact chronological position.]

[*Fragment of Minutes*]

Mr Moss admitted that he knew a lady who knew the person who set fire to the first building destroyed in the fire—

Moved & seconded that five more members be added to Qualification Com and to be appointed by the Chair. Carried. Members named added are F. Woodworth, Geo. Ward, Geo. E. Schenck, James Ward, A. J. Ellis.—

proposed & seconded that all evidence be handed in in writing, that may be tendered to the Executive Committee. Carried.—

Moved & seconded, that Don Pedro[4] be put on the Executive Committee as Interpreter in the Spanish & English Languages.—Carried.—

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[4] Palmer B. Hewlett, a captain in Stevenson's regiment (First N. Y. Volunteers) was familiarly called Don Pedro (Barry and Patten, *Men and Memories of San Francisco in the Spring of '50,* S. F., Bancroft, 1873, p. 43), but his name does not appear on the roll of the Committee of Vigilance.

[July 31, 1851]

Moved & seconded the meeting adjourned until 8 P.M. Monday. Carried.

[*Resolutions*]

Resolved—1st. That the deliberations of this Body should be marked with dignity and solemnity, commensurate with the nature of the subject before them

2nd That all loud demonstrations of approval or disapproval are undignified and incompatible with the true spirit of deliberation and are hereby declared out of order in this Committee.

3rd That any person offering an indecent remark to a speaker engaging the attention of this Committee, shall be forthwith expelled from the room.

4th That the above resolutions be filed on the minutes of this Committee

No—404 [Rodmond Gibbons]

Geo H Sanderson Stockton V. C. July 1851

Wm C. Graham Esq Secy San Francisco Committee

Dear Sir One of the members of your society Mr S. B. Sewall No 398, accompanied by his friend Mr Kimball arrived in Stockton yesterday and took dinner with me at a French Restaurant while eating dinner a lady entered the room whom they immediately recognized as having seen in a saloon on Commercial St San Francisco and they thought the same saloon at which the difficulty occurred between Chas Duane and Frank Ball. I questioned the keeper of the restaurant and he informed me she had kept in a French House on Commercial Street and had been but three days in Stockton and her name was Renschart or something that sounded like that she was accompanied by a small boy probably about eight years of age—and would leave in the stage the next (this) morning for Jamestown This morning while at breakfast in the same house the stage called for her, but she not being ready, it left to return for her in a few moments. I think she was accompanied by a short rather plump

Frenchman with Moustache and Imperial wore plain pants(very light) and short Coat Blue Check a sort of quaker pattern. Small Panama Hat. She had but little baggage and had a wire cage, containing a Canary Bird, She is of medium height black hair and eyes— rather florid complexion; features large and rather coarse wore a black Silk Visite and I think a dark plaid dress—the Doct. rather thought she recognized him and seemed to watch him a few moments and she passed out the front door of the house and must have entered the house again by the door in the rear of the house. On leaving your town he heard that one of the principal witnesses in Duane's case had been sent out of the way and he thought this woman might be the one, and requested me to inform you of this woman. Being in a great hurry at the time I could not wait to see the woman off in the stage but presume she went, as I saw her trunk put on board—

I[f] there is any more information to be got concerning this woman it can be obtained very easily

Very Respy your Serv^t
Geo H Sanderson
Sec^y Stockton Vig^e Committee

Patrick Meleersen Marysville

Gentlemen

I beg to inform you that Rubes Rancho, 30 miles above Marysville, near Bidwells Bar, was robbed on the twenty sixth at night, and among other things 4 watches are stolen—the description of one is as follows

Silver Hunting Lever Chrystal broken Made by Dent of London the Cap screws on and has no spring, by which to lift off with—has a small silver chain with a small Gold Seal with a Dove having a letter in his Bill, with the word Kate[?] underneath —the remaining watches I know not the description of—the mans name is supposed to be *Smith* Thick Set Darkish brown hair had on shoes

Came to the Rancho on a Quartz expedition—& deposited his own watch—I regret to give you so much trouble, but I deem it my duty in the present state of affairs, sternly & unflinchingly to prosecute a Thief

I beg to remain
Gentlemen Your Obdt Servt
[Signed] Patrick Melerson

address Covilland House
Marysville

P. S. I have written the committee Sacramento

[Addressed:]
To the Committee of Vigilance
San Francisco

[*Letter from Eugene Delessert*]

To the President of the Vigilance Committee

Gentleman The first duty & the principal object of the organization of our body is to protect our city from any such deplorable conflagration [as] has have taken place already—

Now it is known to every one that through carelessness of the street commissioners great deal of combustible matters are laying in the street in different part of the city & the slightest spark may again set fire to the whole town

We then propose a committee to be appointed to call or write to the common council begging of them to take such steps [as] they may think proper for the security of all

[Signed] Eug Delessert

[Annotated:] Seconded Geo. R Ward

FRIDAY, AUGUST 1, 1851

MINUTES

Minutes of Executive Committee August 1, 1851

Mr Stephen Payran in the Chair

Present Stephen Payran—Capt Gorham W L Bromley —G E Schenck F A Woodworth Mr Ryckman Geo J Oakes I Bluxome Jr C L Brinley Jas B Huie Capt Garwood

On motion Mr F Woodworth

Resolved That all Prisoners in custody of the Committee of Vigilance shall be at all times in charge of the Chief of Police and his Marshalls, and that any previous rule conflicting with this resolution be and is hereby *rescinded*

Prisoner—Richard Wilson was examined and discharged—and ordered to leave the State of California within 48 hours from 10 P M this night—

On motion of Mr F Woodworth

Resolved That any member of the Executive Committee who shall absent himself from "Three" consecutive regular meetings of said committee shall be fined the sum of five dollars, which fine shall be appropriated to the uses of said Committee—

David Earl—Examination in this case was commenced and continued over until tomorrow evening

The following order was issued to the Chief of Police—

The Chief of Police Is hereby directed to take charge of all Prisoners in Custody, and see that they are well taken care of—and in no event to allow any person to have intercourse with them—

On Motion Adjourned

[Signed] Isaac Bluxome Jr
Secretary

MISCELLANEOUS PAPERS

Police Report. August 1. 1851

J L Van Bokelin Esq Chief of Police

Sir Having ascertained that T Belcher Kay has an order for his discharge I have ordered that the prison be guarded by W. O Smith & such other members as I could find—Have also ordered the *Oregon* to be guarded—You will please releive me from one of the other guard as I am Smith's junior & under his orders & he is only acting now by courtesy.

It being steamer day[1] I have had great difficulty in getting a guard whilst it is at the same time a serious inconvenience to myself

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[1] A separate chapter in Soulé's *Annals of San Francisco* (pp. 625-638) is devoted to a description of the intense excitement that attended the sailings of the semi-monthly steamers for the east. The necessity of making commercial remittances by each mail established the general practice of collecting short term accounts on the middle, as well as on

Yr obt svt
[Signed] Dan^l J Thomas Jr
San F. Aug 1. 1851—

Richard Wilsons Statement. August 1. 1851

Richard Wilson, I was born in London, I am about fifty years of age, I left London in 1847, I left London in a ship called the *Canaire* bound to Sydney she was not a convict ship I shipped on her as a Sailor I was paid off at Sydney & left her, I then shipped on board the *Rajah* Capt Johnson for San Francisco and arrived about two years last August, I worked in San Francisco for Benj^n Reynolds I have never been out of San Francisco the name of the man that kept House with me is Coombs—I rent the House I live in a House which I rent of a man called Daddy I pay him ten dollars a week—I do not know Adams Edwards, Whittaker, T B Kay Hays, Burns—I have always worked about Town,

[Annotated:] Richard Wilson Discharged

[*Case of Jonathan Ellis*]

Jonathan Ellis is a man of about thirty years of age. He is about six feet high, very long legs, rather blue or gray eyes light hair And if I remember rightly he has a fair skin. Though like all laboring men in C—a he was tolerably well taned with the sun, The fore finger of one of his hands, is crooked, or inclined to the inside of his hand,

He was taken up and tried for stealing about ten or eleven hundred dollars in dust, And although he plead innocence and the money could not be produced, from the evidence given on the day of trial It is the general belief that he has the money.

In addition to the above description An eagle is pricked on the center of his breast the wings extending right & left. Has

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the first of each month, and the memory of the old "Steamer Day" was perpetuated in the San Francisco business world by the survival of this local custom, until it was discontinued during the conditions that arose after the earthquake and fire of 1906.

whiskers of a sandy colour with moustachios & imperial of the same.

When leaving this place he took with him between Forty & Fifty Dollars in dust confessing at the time that it was all he then possessed.

And to the truth of the foregoing we hereby place our signatures.[2]

Hardin Brothers
[Signed] E. T. Hardin
C. A. Gillham

Union Bar Feather River Cal—August 1st 1851

[Annotated:] This money was taken from John White of the Union Bar Feather River Cal—

Edward Lambert against Robert McKenzie & William Hays

Edward Lambert— *The prisoner McKenzie*[3] *brought in. recognised by Mr Lambert Prisoner does not know Mr Lambert.* McKenzie was in The Station House about eight months ago, and was there at least a week and ½ I do not [know] the charge he was brought in on,

Wm H. Hays, prisoner, brought in recognized by Mr Lambert, and known to the prisoner I have known Hays between 9 & 10 mos. first I knew him in the station House I thin[k] he was before recorder, whether discharged or not I do not know, he was out sometime and brought in Some charge about a woman I think was a prisoner about 4, or 5, Mos—on The Second Charge.

[Signed] Edward Lambert

SATURDAY, AUGUST 2, 1851

MINUTES.

Minutes of General Meeting August 2, 1851

Mr Sharon in the Chair

Minutes of previous meeting read and approved

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[2] See also p. 414.

[3] McKenzie was finally arrested in Sacramento, July 29 (*S. F. Herald*, July 30). See also note 27, p. 232.

On motion Mr Drake

Resolved, That all British Convicts are hereby notified to leave this City withing 30 days from date by order of Committee of Vigilance— passed

The Committee appointed to report on the use and abuse of the Habeas Corpus Act—made a full and lengthy report and on motion was accepted with the thanks of General Body—and placed on file

In consequence of the inability of the Sergt at Arms to obtain a sufficient night and day guard—therefore be it

Resolved that the Sergeant at Arms be authorized to fill out the different companies from the Register forthwith

On motion 418 [D. L. Oakley]

Resolved That no person be allowed admittance to this room as a member on or after Tuesday evening August 12. 1851 unless all dues and fines against him be cancelled

On motion I Bluxome Jr

Resolved That the Sergeant at Arms or person in charge of the door for Four consecutive meetings also the guard at the door through the day shall ask each member of this body as he enters this room if he has paid his dues if not pay immediately—and all resolutions conflicting with this be and are hereby rescinded

MISCELLANEOUS PAPERS.

[*Police Orders*]

You are requested to bring Harriet Langley so called, she is at the House of Miss Bailey in Keaney Street South of Sacramento Street to be examined as a witness

Done by order of Executive
August 2nd 1851

[Annotated:] Gone to Stockton this evening 8/2.51
D J. Thomas Marshall 4

Mr Deary is requested to call before the Committee as a witness

Done by order of Executive
August 2nd 1851

[August 2, 1851]

The officer in charge of this order will make it his business to call on Mr Deary at Orin Bailey' Esquire; and make report to this Committee forthwith

[Signed] S Payran

[Endorsed:] Mr Deary has been call^{d} upon and has been absent from M^{r} Bailey's for two days, Leave instruction with Justice B— at his Court Room & they will come to hand—

August 3rd 51 No 418 D L Oakley

Report of Committee on Use & Abuse of the Writ of Habaes Corpus

The Com^{e} to whom was referred the Resolution "that a Committee of three shall examine the Question of the Use and Abuse of the Writ of Habaes Corpus and report the same to the Committee with its opinion of the degree of respect which shall be accorded by the Vigilance Committee to that Writ"—have the honor to submit as follows.

The Writ of Habeas Corpus devised in the hour of oppression as a safeguard to liberty is one of the most precious of the rights of man, and to the genius who conceived it humanity when assailed by wrong owes an eternal debt of gratitude. Before its action innocence and weakness possessed no last resort to protect and shield it from the strong arm of force. By its creation the pride and arrogance of tyranny were subverted, and if intellect have contributed more than physical force to the diffusion of Liberty among Men it is in the existence of this writ that the most convincing proof is found.—Its origin is due to English jurists. The happy idea which gave it birth dawned in a mind which grieved for a nation's servitude—a mind, which has raised noblest of monuments to mark the transition from feudal & aristocratic power to the universal freedom and equality of men. In the civil wars of England when the rights of man were struggling in vain to disenthrawl their existence from the capricious violence of intrigue and tyranny, the Writ of Habeas Corpus was first employed, extorted from the resisting and opposing hand of Government,— It is the offspring and fruit of resistance and opposition to the existing law, and it is thus that the freedom of the people has ever been obliged to establish and maintain itself against the abuse of its own delegated protectors and defenders. The Magna Charta is the pride and boast of English freedom. The Habeas Corpus is the most glorious feature of Magna Charta. By it England commenced the edifice of Liberty and America by its powerful cooperation will aid to complete the structure. So appreciated, the true spirit and essence of the Habeas Corpus act is essentially protection of the people's rights and of human freedom, and as such every lover of law and every promoter of order, all who would maintain the sacred principles which form our social bond, will venerate and defend it—Administered in its purity and in equity no man to whom a constitutional right is dear, no man whose Faith lives and breathes in Justice will oppose, or raise his voice against it—But on the other hand your Committee ask, May the people resist it? Is its action inevitably indisputable?—The mind is most sensitive in regard to that which it holds most dear. Against the abuse of its most precious right, whose use in the hour of need is its final appeal, the talisman of its liberty, it is keenly anxious and proportionally solicitous.— The intention of the writ is to relieve from unjust custody an accused individual on condition that he offer bail & appear in Court when required. That no man's liberty may be restrained a moment until a charge can be substantiated, the writ may be claimed at any time, day or night, and the officers of justice are compelled to yield to it immediate obedience. The weakness of the Habeas Corpus lies in the fact that to insure its rapid action the right of granting it must be vested in many officers, An oath made on erroneous information, or a false testimony may in an instant wrest from the hands of justice, the criminal whom it has required months of labor and expense to secure. Malice may divert it from its equity and pollute its purity. And thus in a moment may our greatest blessing become a most baneful curse. It is in this view that the Vig: Com: is especially interested in the question. It is against the Abuse of the Habeas Corpus that this people are called to raise their voice. And if the Vig: Com. be the people, it is through the former that the latter may obtain justice and freedom from the ills which oppress and ruin our community.

We have seen the Habeas Corpus rise a pure gem from the chaos of civil war. It was the result of the action of the people against the Constituted authorities. And whenever under any circumstances either from a false affidavit, or a venal application of the writ by an officer of the government its purity is assailed it becomes the People to be jealous of their safeguard and resist its abuse—A peculiar condition of Society may render the unrestrained use of the writ dangerous to the state, and require a controul upon its action. The sad position of our city is not the only example of this state of affairs.— Hystory declares to us that in the wars of the Jacobins state policy required its suspension. And again in 1720, under the reign of George I. and during the wars of England against the french revolution. Pitt found it necessary to prevent the evasion of state prisoners by annuling the abused privelige of freemen. When the danger was passed Parliament restored its prerogative.— Should then the Vig Com deem expedient to oppose the writ in certain instances, the sanction of precedent is in its favor. As regards the corruption and venality which prevail in our own community the existence of this Committee is the evidence of the extraordinary intervention which it has become necessary to employ for their restraint and notwithstanding the disinterestedness and fairness which has as yet characterized all the proceedings of this Association it is yet cavilled at by some as an illegal assumption of power.— The ill will or malice of such detractors has prompted them to annoy and harass the operations of this Committee by every possible means. And the Habeas Corpus Act has certainly been employed in this view. It either remains for this Committee of Vigilance to degenerate into a mere detective police, or for it to liberate its action from the unjust and perverted abuse of the Habeas Corpus. No sooner has it expended its funds and its energy in the detection of crime, than some political meddler, or some opponent of the Association, acting from no high principle of the rights of man, but for mere opposition sake, and from private passion or opinion, by a resort to the Habeas Corpus wrests the criminal from our hands, promotes his evasion or at least denies to the Ass^{n} the privilege of using its own volition on handing the accused to the regular authorities, or again, if these motives have not prevailed, some friend of the criminal under false pretenses enters a perjured testimony and accomplishes the evil. In many cases more energy and vigilance have been necessary to secure a prisoner from the annoying and vexatious interference of Habeas Corpus than to pursue the criminal to his haunts and arrest him from among his desperate friends and defenders.

Your Committee think such malicious interference unjust and ungenerous. It ill requites the exposure of life and the expenditure of property so willingly lavished for the protection of the public interests,—for the security of life and property. The affidavit of Thompson in the affair of T Belcher Kay is an illustration of our statements, and others in point might be adduced.— In consideration therefore Your Committee would recommend that a due circumspection be exercised to maintain the purity and equity of the application of the Writ of Habeas Corpus.—Administered in equity without suspicion of malice or perjury the most prompt and cheerful acquiescence should be yielded to its requisition— Should evidence appear that any corrupt motive has actuated its issue Your Committee deem it expedient, justifiable, and true to the interests of society to withhold obedience to its mandate so long as may be necessary to discover the evidence, proofs, & motive of the writ.

[Signed] Arthur B Stout
" W. L. Bromley
" C. H. Brinley

[Endorsed:] Accepted & placed on file—the thanks of the Com are tendered to Com appointed—Aug 2, 1851

A Oaksmith. Aug 2^nd 1851 for leave of absence

Committee of Vigilance Room
San Francisco Aug 2, 1851.

To The Chairman of The Executive Committee

Dr Sir. Being obliged to leave the City on matters of business, which will render it necessary for me to be absent for a considerable length of time, I beg to obtain *"leave of absence"* from the Committee till such time as I can again report myself for duty—

[August 2, 1851]

I shall visit previous to my return a great many Cities on this Coast and shall always remember that I am a member of the Vigilance Committee, and shall neglect no opportunity of serving them—

Trusting that the Committee may prosper in their good works I remain

Very Respectfully
Your Obdt Servt
[Signed] A. Oaksmith
Nº 460

[Addressed:]
To The Chairman of The Executive Committee
Present.

Report of Dr H S Gates in relation to sickness of Prisoners August 2 1851

San Francisco Aug. 2d /51

To The Exec. Comt—

Gent I have vist and prescribed for Adams and Arantrue, prisoners, daily since the receipt of your communication—

Am of the opinion that Adams has feigned much of his sickness—Arentrue has been suffering from nervous excitement—

Both of the above named patients are now convalescent and quite comfortable

Respectfully yours
[Signed] Horatio. S. Gates, M.D.

[Addressed:]
To the Exec. branch of the V. C.

SUNDAY, AUGUST 3, 1851

MINUTES

Minutes Sunday Evening Augt. 3rd 1851

Executive Chamber
Sunday Evening 8 OClock P M August 3d 1851

Present—Payran. Bromley Curtis Schenck. Graham. Garwood Wadsworth—Oakes

[August 3, 1851]

The committee having been called to order by the Chair a further examination of M^c^ Kenzie was gone into which brought out nothing new.—

On motion of M^r^ Schenck it was resolved that the Seargent of Arms have the Prisoners room scrubbed & the prisoners washed.—& that the same be continued weekly

on motion the Guard of the prison be removed.—

adjourned to meet tomorrow evening at 7½ OClock

[Signed] Wm C Graham Sect^y^

MISCELLANEOUS PAPERS

M^c^ Kenzie's 2^nd^ Examination. August 3^d^ 1851

Rob M^c^Kenzie, I know a Sch^r^ called the *Fayaway* at Trinidad,. I went from Trinidad to Shasta, I had a Partner by the name of Jerry Long, I deposited my money with M^r^ Van Wyck at Trinidad, I received the money from him, and owe him some, Bill Moore, Moore went in a Sloop Boat of his own, he had a Dutch Boy with him, and I went in another Sloop Boat took a man with me I forget his name, I worked with a man at Shasta called Bill Williams; a man by the name of Henry Clegg came with me down to Sacramento

August 3^d^ 1851

[Signed] S Payran

Henry T Fox. Ship Mary Catherine. August 3, 1851

Ship *Mary Catherine*[1]
San Francisco August 3. 1851

Gentlemen

With reference to two passengers per this ship from Sydney whose names are Thomas Jones & Emma Jones I beg to state that during the whole time they have been on board about 120 days, their behavior has been most quiet and orderly and I consider them a very respectable couple

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[1] The *Mary Catherine*, Captain Fox, arrived from Sydney August 3, with one hundred passengers (*S. F. Herald*, August 4). An examination of seventy-five persons was reported to the Committee, and of those, four, Thomas and Emma Jones, William Bosworth, and William Rose, were described as ex-convicts. "General Andrew Jackson, an American, from Honolulu" was listed among the passengers examined.

I am, Gentlemen
your obedient serv^{t}—
[Signed] Henry T. Fox
Master M. C.

Statement of M^{r} Adams August 3^{d} 1851

Sunday Morning August 3^{d} 1851
Examination of Adams

Previous to the time of Stevensons Burglary I had no regular employment at my profession, but was engaged in making some little alterations in M^{rs} Regan's House where I was living, Watkins called on Gamble (with whom I was acquainted) for some assistance in relation to Stevensons office Gamble's wife being just confined with a child Gamble sent Watkins to me, Watkins asked me if I had a key or two to lend me, he told me that he had a Person outside who was going to put up a place to him on Long Wharf, I told Watkins to introduce him, Watkins then brought him in and introduced him it was Marks[2]—I asked them what sort of keys they wanted, I took out of a chest about a dozen or two of keys, they picked out one key, I got in conversation with Marks about Co^{l} Stevenson's office on Long Wharf, he told me that he had been under clerk there for some time, that Stevenson had used him ill, had turned him off, and kept him (Marks) on a string promising to get him a situation, therefore he was determined to rob him, he said there were two safes, a Large and a small one in which there was much money, about 50 or 60000, and could easily be had, he said the keys were hanging over the safe, I asked him who the clerk was, he said a Person by the name of Reynolds, we asked Marks if M^{r} Reynolds did not take the keys away with him, he said No, for the keys were large ones, and M^{r} Reynolds being in the habit of going to the Parker House every evening to play Billiards and could not take the keys in his Pockets Marks & Watkins then left me, Marks came to me the next Morning, he told me that he had then but just come from Stevenson's office, I asked him him if Watkins had tried the keys over night, Marks said he did not know, he said that *Col Stevenson had received more money,* Marks was very urgent for me to go down to rob the place I asked Marks his motive for being in such a hurry, he said that Col Stevenson was from home and being shortly expected, feared the money might be shifted, he said it might be well for me to speak so, as I had a table to go to—but it was different from him, that he had not had anything to eat for two or three days, I gave Marks some Port Wine and gave him Five dollars, he went away, he came again at night, I asked him to take some wine, while I was at Tea, as I got through Tea, Watkins came in, I asked Watkins if he had tried the keys he said no, that he had altered the key and would go down and try it then, previous to this Marks had taken the impression of the key of the front Door on a piece of soap, brought it to Watkins, & myself well all went down to Stevensons Office met Seymour on the road, also Francis Brier, we went to the front door (Watkins & myself) and put the key in, opened the door and went in, I shut the door and stood below, Marks stood outside with Brier & Seymour Watkins went upstairs tried the office door, found it locked, came down and told us, Marks said that he would either have the door left open, or get the impression on wax, we all went away, and some days elapsed, Marks called every day to see me complaining, *he got another five dollars from me,* he got some few dollars from Watkins, in the meene time he got the impression of the key of the Office door gave it to Watkins, Watkins got a key to suit that impression, Marks said that Saturday night was the proper time to rob the place; he was very anxious to go on Saturday night, he was so urgent that I suspected him I again asked him his motive for being so anxious he pleaded poverty, he said Mr Reynolds was a Free Mason and this being Lodge Night, he would be away longer, I declined going that night and went home, Marks & Seymour went together and Watkins & myself went home together I never spoke to Seymour before this transaction, Watkins & myself talked the matter over, I questioned Watkins as to the character of Marks & Seymour he gave me to understand that I might make myself easy on that account, for he had had transactions with Marks and Seymour, Watkins said Marks, himself and Seymour had robbed a coining place, on the Wharf next to the Long Wharf no more was said that night

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[2] See note 4, p. 208.

On Sunday night following Watkins, Marks, Seymour, & myself went down to Stevensons again, we waited about there a half hour, when Brier came and stood at the corner Marks, & Seymour stood at the Door, Watkins & myself went in, Watkins went up Stairs, and opened the Door I do not think he opened it with any key, I think the door was unlocked, he had scarce got in before we heard a rumbling noise & voices, The noise & voices told us that we were betrayed, I sat down on a Sopha & Watkins on a chair, there were persons on the outside threatening—I told them to come in and not alarm themselves, Mr Reynolds and four or five more rushed in with Pistols in their hands, I had Pistols in my Pockets, but did not offer to use them

I knew that I had no business there, Mr Reynolds asked what business we had there, Watkins replied that we wanted to see Col Stevensons, the Constables took us away to the City Hall, Seymour, Brier & Marks made their escape, Marks afterward told the Constables were they could find Seymour & Brier, the officers took my watch and money from me, and I have not seen them since, kept me confined in Jail a long time for Trial, and I then endeavored to make my Escape, the Constables took over $480 from me, they told me that they had given Wilder part of the money as being stolen from him, I never stole a dollar from Wilder, I had this money given to me by different individuals to go away with William Hughes gave me $20, Mr Morris gave me $50—Mr James Low gave me $20—Patrick Sinclair gave me $20, Schimunelson is a Jew kind of Trader Mr Nelson gave $20. Mr Austin gave me $10, Mrs Clare gave me $50 T. B. Kay sent me $20, they gave this money after I broke Jail the first time, and it was taken from me after my second arrest,

I loaned a great many Tools to Edwards to effect the robbery of Minturns place which I lost he promised to give me part of the Plunder, I never went with them to attempt the robbery—Edwards said there were a great many engaged in that affair he mentioned Briggs & Lowe, and that was the reason why he did not want me—at the time I used my Tools I lived at M^rs Regans—Nelson is the Boy Welsh—M^r Austin is the man who gave me the Boat, Lowe's character is bad as to honesty—he was engaged in the robbery at Monterey, Morris is the man Morgan, M^rs Clare keeps a Public House just above Broadway on a Street below the Jail,

Attest

S Payran

Monday, August 4, 1851

MINUTES

Minutes Monday Evening Augt 4th 1851
Executive Committee room
Monday evening August 5th 1851.

Present Ryckman Gorham Garwood Schenck Bluxome Graham—Oakes. Wadsworth

the meeting being called to order M^r Ryckman took the chair—

Resolved that hereafter no arms be loaded in the Committee room & that the Sect^y be requested to inform the Sergt at Arms of the same.—

The president having arrived took the Chair when M^r Branagan was put upon his examination as per record.—

The report of D J Thomas jr in respect to removing [illegible]n Arrentrue was read accepted & placed on file.—

An order was issued to bring before this Committee one [illegible]rrentree at 10 OClock tomorrow.—

Ordered that a Committee of one be appointed to proceed to Stockton to bring down M^rs Harriet Gardner.[1]

A letter was rec^d from Mr Wilson Smith Sect^y of Committee at Marysville with a description of W^m Sumpter. ordered that the description be recorded a copy handed to Cap of Police & letter placed on file—

Adjourned to meet at 10 OClk tomorrow morning

[Signed] W^m C Graham Sect^y

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[1] For the expenses of the arrest of Harriet, see voucher No. 41, p. 781.

MISCELLANEOUS PAPERS

[*Report of D. J. Thomas, Jr. Case of Arrentrue*]

Gentlemen

Knowing that a writ had been issued for Arrentrue I in connection with Marshal Haven directed & superintended the removal of the Prisoner Arrentrue *& allowed the sheriff* after such removal *to search our premises*

The prisoner is now where we took him from

[Signed] D J Thomas jr
Marshal No 4

Aug 4/1851

[*Report in the Case of Jonathan Ellis*]

D Edward Burnett about 5ft 10 in light brown hair, sallow complexion, long light whiskers—upper lip shaved, greyish eyes, small nose, mouth rather large, lisps in talking, peculiarly—Medium body, large limbs—

Johnathan Ellis was found in this city & there not being sufficient grounds for his arrest & confinement, his person & baggage were examined by me by his own consent & nothing to excite suspicion found—

He puts up at the Phoenix House, Broadway below Montgomery—the above is the description of the man who accused him of the theft, and whom Ellis says must be the guilty person—

[Signed] Rodmond Gibbons
No 404

San Francisco Aug 4th 51

[*Letter from Joel Noah*]

Sacramento City Cal Aug 4/51 4 P. M.

To the President & Members of the Executive Committee of the Viligence Committee of San Francisco

Gentlemen It was my intention to send this letter by Mr Jones to day. It was in consiquence of my not arriving in town in time for the boat. I therefore embrace the first opportunity. I regret to inform you that a gentleman by the name of Caloon[2] representing himself a member of the "*Viligence Committee*" in San Francisco and assuming the title of "Marshall" detailed for the duty in Sacramento has had a verry serious difficulty with the principal Marshall (Mr White) of this city,—likewise has brought serious charges against one or two of his officers and has threatened to arrest them. He asserts that he has the papers and authority from your *honorable body* to execute the same.

---

[2] Reuben Calhoun, V. C. 620.

Mr White informs me that his officers have exerted themselves beyond their ordinary duty to assist Mr Rhodes that able and efficient officer of our Viligence Committee in arresting those criminals that your honorable body have in possession.

They declair at the same time they will do all that lays in their power for the "*Executive Committee*" of San Francisco but will not receive any instruction from Mr Cahoon but will assist me or Mr Rhodes as far as lays in their power

As a proof of their cincerity Marshall White dispatched an officer with Mr Rhodes to Marysville on the shortest possible notice. At the same time Mr Rhodes requested me to place myself under the detail of Marshall White and they would give me every assistance in Mr Rhodes absence that lay in their power. I suggested to Mr Rhodes and Mr White to apply for a detail of men from the Committee of Sacramento Mr Beard being their President. He granted me five men and Marshall White gave me Mr Maxwell the *Chief of Police* and another to go with me down the river

The Sacramento Viligence Committee hired a "*Steam Tug*" to take us down and was under the controll of the *Chief of Police* that able and efficient officer. I am pleased to inform you that I never saw any men exert themselves more than they did in the arduous and severe duty We started on Sunday at 4. P. M. and operated on both sides of the river in every *Slough* and *Creek* and every opening that we could think or imagine that criminals such as Whiticker and Rhoen would conceal themselves. In coming up the river this morning at 9. A. M. we discovered an opening and pushed our boat for it Up the opening on the bank we discovered two log houses, entered them as usual and made strict enquiry of the above named men and according to the description of them they must be the same she informed us that they came to her house Saturday, had went aboard a steam boat and not having money the *captain* put them ashore—that was their statement. She judging from their appearance did not believe them. She informed us that she gave them no encouragement and they departed on their way down the river as she supposed. After they examined all the premases and the country around as far as practable but could not discover any traces of them. Too much praise cannot be bestowed on the Marshall (*Mr White*) and his *Chief of Police* and their assistants for the able manner they performed the duty allotted to them and rendering the Viligence Committee of San Francisco.

Gentlemen I regret to inform you that I cannot concistantly suffer myself to be detailed for duty by Mr Caloon in the absence of Mr Rhodes—therefore sooner than to have any misunderstanding with your honorable body I would rather have my name and number cut off your roll. I have been on duty ever since I arrived in this city and performed the arduous duty that could fall on any member of your Committee. I have not averaged in the nearly two weeks scarcely two hours sleep of a night, but have done my duty faithfully and honorable as a gentleman and a man therefore I do not wish to be detailed under the authority of Mr Caloon but am always willing to perform any duty that Mr Rhodes or your honorable body might think fit to assign to me. I have mentioned circumstances of part of this letter to Mr Jones—He was visiting Sacramento City and I promised to send a letter to the Committee by him but by not arriving in time for the boat I embraced this oportunity to send by express.

Verry resp^{ty} yours

Joel Noah
521
Sac City

Viligence Committee San Francisco

C Bohrer. San Francisco August 4. 1851

San Francisco Cal^{a}
August 4th 1851

To The Executive Committee

Gent^{n} Being one of Three who volunteered to proceed on board the English Ship *"Mary Catherine"* from Sydney I was ordered on my arrival to take charge of certain prisoners on board said Ship, which I did, being on deck & below at various times, until the watch was set. The first watch was taken by Capt Tufts, while I was turned in, Capt Clark boarded said ship, and stated that he had orders from Chief of Police to take charge of her, which he did, setting his own guard at the same time, *consequently he* was *Officer in charge,* (according to his statement,) on examination this morning however two prisoners (& convicts) were not to be found, a search was instantly made by myself in person, but without success. Capt Clark left the ship this morning leaving on board said ship & without a guard two convicts: viz: John Jones & Emma his wife. My most particular object in making this report is to ascertain of your Body, *who is the responsible party* for the escape of the two Convicts *W^m^ Rose & W^m^ Bosworth?* at the same time I do not know where they went, or how they went. The enclosed orders[3] were rec^d^ by me from the Secretary, the 1^st^ at the time of leaving, the 2^nd^ was brought to me by the Boatman at the time of Capt Clarks arrival.

Yours Truly
[Signed] C. Bohrer
631 V. C.

To J. Payran Esq Pres Ex. Committee
C of Vigilance

TUESDAY, AUGUST 5, 1851

MINUTES

Minutes Tuesday Evening Augt 5^th^ 1851

Tuesday Morning August 5^th^ 1851
Executive Chamber

Present. Payran & Graham

There being no quorum, the President went into a private examination of Augustus Laurrentree, as pr record

Adjourned to meet this evening at 7½ oclock

[Signed] W^m^ C Graham Sect^y^

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[3] The Orders are missing.

Tuesday Evening August 5th 1851.

Present Payran, Ryckman, Oaks, Schenck Curtis Graham Huie Wadsworth Gorham, Woodworth, Bluxome & Mellus

Thomas Jones & Emma his wife were brought before the Committee from the Ship *Mary Catherine* from Sydney and examined, they both acknowledged having been transported for petty offences & had served out their regular term,—from all facts that the committee were able to obtain as to their good character—moved that they be allowed to depart subject to the call of this Committee at any time—

On motion a committee of two was appointed consisting of Messrs Wadsworth & Huie to wait upon the Sergeant of Arms[1] & request him to resign & state to him the reasons.—The Committee after being absent a short time returned & stated they had waited upon the Sergt. at Arms & begged to report, that he has pledged himself to abstain in future from the faults complained of under a penalty of a discharge—report accepted and Committee discharged.—

A motion to strike out the name of Adams from the report of Ex. Com. to the Genl Com, recommending him to be handed over to the Authorities—lost Ayes. Ryckman. Oaks. Schenck. Graham. Payran. & Curtis No's Huie. Wadsworth. Gorham. Woodworth, Bluxome. & Mellus.

On motion the report as drawn recommending Adams & Arrentrue to be handed to the Authorities—David Earle to be retained & Hayes to be sent out of the Country never to return—lost—Ayes—Mellus, Woodworth, Bluxome, Gorham, Wadsworth & Huie No's—Ryckman Oaks, Schenck, Curtis, Graham, & Payran

A communication was recd from Wm Webster enclosing a draft for Fifty dollars for the use of the Vigilance Committee. which was accepted & the Secretary instructed to return him the thanks of the Committee for the Sum.—

A Communication was recd from I Bluxome jr with a request from Wm Dennis for permission to collect funds from his friends for the use of the Committee—Granted—

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[1] A. J. McDuffee was sergeant-at-arms. He resigned August 29 (p. 571).

A motion was made to recommend to the Gen^l Committee to hand over to the Authorities the man Adams—Lost.—

Resolved, that John Arrentrue be handed to the Authorities that David Earle be retained & that Hayes be sent out of the Country never to return Gen^l Committee concurring—Carried

Resolved, that in the Case of Adams the Ex. Com. submit his case without comment to the Gen^l Committee—Carried

No further business being before the Committee adjourned to Gen^l Committee room.—

[Signed] W^m C Graham Sect^y Ex Com

Minutes of Genl Meeting Aug 5, 1851

Mr F Woodworth in the Chair

Minutes of previous meeting read & approved

Further statement of George Adams (Burglar) read together with new evidence whole testimony in this case read—

The Ex Com report that they are anxious to keep David Earle in order to obtain further testimony in his case—

The Ex Com report that in the matter of Hays that he be sent out of the State never to return carried—

The Ex Com report, that in the matter of John Arentrue—the Grand Jury having found two true bills against him—recommend that he be given to the Civil Authorities— Adopted

That Adams be handed over to Civil Authorities lost

On motion Mr Brannan

Resolved That we now adjourn to meet tomorrow at 10 O'Clock to meet at the sound of two bells—

MISCELLANEOUS PAPERS

[*Resolution*]

Whereas J L Bleakley has been dismissed from this Committee, through some mistake, and without cause, as far as has been ascertained, and having always been considered heretofore a good and efficient member, of said Committee

Be it therefore *Resolved* that the said Bleakley be admitted as a Member, and that his name be stricken from the list of delinquents, and that the Sergeant at Arms, bc instructed accordingly to admit him,

N° 181 F A Atkinson

San Francisco Augt 5th /51

[Annotated:] Move its reference to the Executive Committee

Order to Wm Bohrer for Wm Jones & others

Mr Bohrer

You are required to arrest & bring before the Executive Committee Wm Jones & Emma his wife

Wm Bosworth, Wm Rose now on Board the Ship *Mary Catherine* or whereever elsewhere they may be found, with all Baggage belonging to them

Done by order of the
Executive Committee
August 5/51
[Signed] S Payran
Presdt of Ex of C

Notify the Capt of the Ship to appear at 7. Oclock this Evening before the Vigilence Committee

[Endorsed:] I repared aboard ship *Mary Catharine* & brought off Emma Jones, Wm Jones was ashore at the time.

[Signed] C Bohrer
631 V. C.

[*Report of Executive Committee Relating to Hays and Arrentrue*]

Executive Chamber
August 5th 1851

In the matter of Hays Committee report that he be sent out of the Country never to return.

In the matter of J. Arrentrue Committee report that the Grand Jury have found two true Bills and recommend that he be turned over to the constituted authorities.

[Signed] S Payran
Presdt

[*Case of J. J. Arentrue*]

To My Friends in the Mines

San Francisco Aug 5/51

To Mr Geo Bingham. Joseph Fortner Chas O Donnell, Isaac Hare, Seth Simmons, and Boy Daniel Blair

If this advertisement should meet the Eyes of any of you or all of you do hasten to San Francisco with all possible despatch, your Evidence will be of the greatest importance One of the most unfounded, black and malicious charges has been brought against me and sworn to upon Oath charging me with having intent to murder & rob a man in the Mines do for god sake if you Men are return with all haste as My future depends upon your testimony

Yours Truly

[Signed] Jno J Arentrue

Geo W Barton Esq

Dr Sir. Will it be prudent to publish the above in the paper's, I have already written to them, but fearful the letters may miscarry, such a notice might meet their Eye, I would call & see you but am confined I am very handsomely treated by the Gentlemen in whose hands I am, and would be well satisfied if it were not for the great difficulty I find in communicating with my friends.[2]

Committee of Vigilance Room

Augt 5th/51

Mr Jos Fortnor

Dr Sir I hope in God's name when this comes to hand you will not delay, and return to San Francisco with all possible despatch, I am in one of the most unpleasant situations a Man could be placed in, and all thr'o having afforded—Bingham, Yourself, Hare, and Daniel, assistance in getting away to the mines, it is said and sworn to upon oath that I have sent you all up into the mines to rob & commit murder Now for mercy sake do return, or my life may be sworn away—I have no money to send you to pay your Expenses or I would send it to you, but borrow enough & I will pay you when here, I am under confinement or I could easily get sufficient, if you see any of the other Boys do bring them with you for gods sake or send them word, do not fail to come

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[2] These letters have not been found in the contemporary newspapers.

Yours Truly
[Signed] Jno. J. Arentrue

It seem's to me there is a foul determination to injure me, if not even to have my life, & I cannot see into it, do for God sak' come as all your characters are involved

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Committee of Vigilance room
Augt 5/51. San Francisco

Mr Benj Ray

Dr Sir Please call at the Committee Room I merely wish to ask you in presence of the Committee, one or two questions in relation to a matter of conversation passed between you & myself, a few weeks past—do oblige me & call give your name at the door & you will be admitted

Yours Resp^{t}
[Signed] Jno. J. Arentrue

[Addressed:]
Benj Ray Esq

Augustus Larrentree vs John Arrentrue. Augt 5th 1851

Augustus Larentree, I reside in the City of San Francisco, I have lived in the Country going on two years. I was some time in Crawford Riddle,' store, since that I have been Gambling.

I knew Capt Arrentrue, I knew Fortner. he went into the Country some time ago, I believe to the Southern Mines. I do not know where he was on the Police for a while, I knew Bingham, his name is George, he was also in the Police. he has gone to the mines, I do not know O'Donnell, I know Hare, but merely to speak to him, I do not know where he is, I know nothing of the character of Bingham, Falkner. or Fortner, they were soldiers in the Penn^{a} Regiment in Mexico. I know James Eddie, I board there now Mr Eddie is a respectable man, has a family here and is from Philadelphia. resides on Pacific Street below Kearney

[Signed] Augustus Larrentree

[August 5, 1851]

William Webster. San Francisco 4 August 1851

San Francisco Aug 4th 1851

To the Vigilance Committee

Allow me to present to you by the hand of my friend C C Richmond Fifty dollars ($50 00/00) as a small token of my regard and approbation of the many favors you have rendered to our city, by your incessant labors.

Yrs Respectfully
Signed William Webster
Pacific Street wharf
Pr C C R

To the President of the Vigilance Committee—
Yrs C C Richmond

W Wilson Smith Secty V Committee Marysville Aug 3/51

Vigilance Committee Room
Marysville Aug 3. 1851

Gent

A packer known as Irish John was robbed near Bidwell's bar yesterday of about $3000 in dust & then shot in the arm by the robber he gives the following description of the robber whom we believe to have gone either to Sacramento or San Francisco.

Description He has gone by the name of William Sumpter, is about five feet nine inches or ten inches high, is rather slim, has a fine head of dark hair wears it long, has dark eyes, smooth face, no whiskers 'tis said he has kept a Spanish woman who is now either in Sacramento, Nevada or Marysville, He wore a blue cloth fancy shirt with steel buttons, had on light colored pants, carried a large colts revolver which had a sliver off one side the stock. he was mounted on a dark Iron grey horse in rather thin condition rode a Spanish saddle nearly new, red blankets for saddle cloth and had on a roll of blankets behind

Very Respecty
[Signed] W Willson Smith
Secty V. Com

To Executive Committee
V. C. San Francisco

[Endorsed:] Received 5/51

Isaac Bluxome Jr. Aug 5th 1851. request from Dennis

I am requested to state by Mr Dewey That he was called upon today by Mr Dennis who told him that he was not one [of] us but was anxious to see us go on with the good work we had commenced and would be glad to collect some money for the maintenance of this Committee—if the Committee would accept it

[Signed] Isaac Bluxome Jr

San Francisco August 5 1851

[Endorsed:] Accepted

[*Report on George Adams*]

In the Matter of Adams Charged with Burglary

The Executive Committee herewith submit to the General Committee, the case of Adams, with his last Statement made on the 3d day of August A D 1851 for their action and disposal[3]

Done by Order of Executive

[Signed] S Payran

August 5, 1851.

James Dennis Brannagan Vis David Earle. August 5th 1851

James Dennis Brannagan, *Sw*[*orn*] John Strathern—George Wilson (goes by the name of John) never knew John Arrentrue, I knew John Strathern and Wilson, I knew David Earl[4] I have known him for about twenty months, I saw Mr Rowland on Stockton Street, near Washington after the Execution of Stuart, after I had read Stuart's Confession, I asked Mr Rowland how he was, state of the times, Rowland asked me if I heard anything about Mr Earl, I answered No, Rowland said it was in the papers and that I must have seen it, I answered if any man by the name of Earl is implicated it must be David Earl, I heard that Earl had taken goods under false pretences, he took good[s] from persons—so I was told by John Wilson, I saw it in the Papers, from my knowledge of David Earl I would not believe him on his Oath, Earl told me that he gambled extensively, Rattery lives in Clay Street back of Mr Thompson—

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[3] For Adam's statement, see p. 410.

[4] David Earle had been arraigned before the city recorder, July 24, for obtaining goods under false pretences. The case was continued, but does not reappear in the *Herald's* law reports and on this date he was, apparently, a prisoner of the Committee.

[Signed] James D Branigan

Executive Committee
August 5th 1851

In the case of David Earle your Committee recommend that he be retained for further examination

[Signed] S Payran
Presdt

Peter Kinnan respecting G W Hance

W G Hance an escaped convict from Panama where he was under sentence of transportation for 14 or 21 years for murder escaped from Prison in Panama night of July 4 and secreted himself on board ship *Trescott* Kinney master at Toboga which sailed about July 9 this information I received from Captain James Payne former master of the ship by letter per steamer *California*

Hance is a tall good looking mulatto well built very much of a gentleman in his manners formerly kept the New york restaurant in Panama afterwards he was arrested for the murder of his brother in law afterwards was suspected of poisoning one of the guards whilst in prison and attempting to poison another he addressed a crowd of newly arrived Americans in Panama through the grates of the prison made them believe he was unjustly confined caused a riot which the american consul quelled he is a dangerous man I have stopped at his hotel in Panama and know him by sight well any assistance I can render in the premises will cheerfully do the ship can be expected last of this month *Commodore* Robert Martin knows him well Hance dresses well[5]

S. F. Augt 5/51 [Signed] Peter Kinnan

I know Mr Peter Kinnan—he is a gentleman of unquestionable veracity

[Signed] G. W. Ryckman, No 53—

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[5] Hance was captured by the Committee and sent back to Panama. The *S. F. Herald*, Nov. 18, reported that he was serving out his sentence in the chain gang at Carthagena.

WEDNESDAY, AUGUST 6, 1851

MINUTES

Minutes of Special [General] Meeting Aug 6. 1851

Mr Fred Woodworth in the Chair

Minutes of previous meeting read and approved

On motion Mr Malone

Resolved That George Adams be handed over to the Civil Authorities— passed

On motion Adjourned

[Signed] Isaac Bluxome Jr
Secretary

MISCELLANEOUS PAPERS

[Police Order. Case of George Adams]

To the Chief of Police

Sir You are hereby ordered to deliver into the hands of the Sheriff of this County the Body of George Adams and take a receipt for the same and herein "fail not"

By order of Committee
[Signed] Isaac Bluxome Jr
Secretary

San Francisco August 7. 1851

San Francisco August 6th 1851

Recd of the Chief of Police of Vigilant Committee George Adams in accordance with order of the Committee

[Signed] John Caperton
Under Sheriff

[Police Order. Case of John Arentrue]

To the Chief of Police

Sir You are hereby ordered to hand over to the Sheriff of this County the Body of John Arentrue and take a receipt for the same, and herein "fail not"

By order of
Committee of Vigilance
[Signed] Isaac Bluxome Jr
Secretary

San Francisco August 5. 1851

Received the above prisoner from Chief of Police of the Vigilance Committee.

Wednesday morning
August 6th 1851

John C. Hays Sheriff
[Signed] by B. F. Harley Dy Shff
San Francisco August 6th 1851.

Executive Committee to Stephen Payran in relation to Goff
Aug 6. 1851

We the undersigned members of the Ex Com request that as the time of Mr Goff will expire on to-morrow morning the Executive Committee should be called together to devise ways & means for his transportation—

We request the Sergt at Arms to notify the President of the same—

[Signed] Isaac Bluxome Jr
" George M Garwood
" Geo J Oakes
" Wm C Graham
J. C. L. Wadsworth per George M Garwood
San Francisco August 6. 1851

We would sudjest the hour of 10—A M

[*Resignation of W. C. Graham*]

To the President & Members of the Executive Committee

Gents Allow me to tender you this my resignation as a member of the Ex. Comm. as I can no longer consent to Act in any Committee or body of men where a small minority have the rule—with sentiments of respect & my best wishes for your prosperity individually I remain

Your Obt St
[Signed] Wm C Graham[1]
Ex Chamber 6 Augt 1851.—

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[1] Graham continued to serve as secretary until August 18, although he resigned for the second time, on the 15th (p. 462).

[Memorandum on back of paper:]

Ex Com	20
Officers	5
C Police	6-20
Water Clo	2 10
	—
	33
	40
	—
	73
	227
	—
	300

William C Wilson. relative to Garland. Aug 6. 1851

San Francisco Augt 6th 1851

To the Members of the Vigilance Committee

Gentlemen Having been requested to Certify to the Character of Richard Garland who is now in confinement on account of being a bad Character

i beg to state that i have known him for upwards of two years in Sydney and during that period he conducted himself in an honest upright manner and there are others beside myself in this City who can honestly Certify to the same

I further state that i have never known him guilty of any offence which would cause me to desire his removal from amongst us

Yours Truly
[Signed] William Charles Wilson

[Addressed:]
Vigilance Committe
Battery Street
San Francisco

THURSDAY, AUGUST 7, 1851.

MINUTES

Minutes Thursday Evening 7 Augt 1851

Executive Chamber

Thursday Morning 7 August 1851

Present, Payran, Ward, Bluxome, Gorham, Garwood Oakes Ryckman, Graham,

In the Case of John Goff, on motion resolved that the Chief of Water police be instructed to bring him before this Committee, & if found to be on board any vessel, to order the Capt of said vessel to appear before the Committee this evening at 8 OClk.—

The Committee then went into the examination of Patrick Wild alias Patrick Wise, a Sydney convict—as pr records filed—

Adjourned to meet at 8 oClk. P. M.

[Signed] Wm C Graham Secty

Thursday Evening 7th August 1851

Present Payran, Bluxome, Wadsworth, Schenck, Gorham, Oakes, Garwood, Ryckman, Graham,—

The Committee met agreeable to adjournment

John Goff having been brought before the Committee (his time as given by the Com having expired this day at 10 oClk)—stated he was nearly ready to sail in the Brig *Veto,* owned by himself for Sydney, as pr record on file—

Captn John H Stephens, Master of Brig *Veto* was then examined, whose statement coroborated that of John Goff.—record on file—

On motion, resolved that John Goff be allowed one Week from tomorrow morning at 10 Clk to prepare for his departure, by giving Security in the Sum of one thousand dollars or be retained in Custody— Carried

Mr Oakes having become security that the said Goff would deposit with Mr DeLassart Tresr of the Genl Com. one thousand dollars by tomorrow at 10 OClock. Said Goff was discharged.—

Mrs Jane Wild appeared in evidence against Patrick Wild alias Patk Wise a Sydney Convict— Records filed

On motion Resolved that P Wild alias Wise be expelled from

California never to return under penalty of Death— Carried unanimously

An order was issued for the arrest of Gainsborough to Chief of Police also one for the arrest of Dr Kennedy,[1] to Chief Water Police

No other business Adjourned

[Signed] Wm C Graham Secty

[Endorsed:] No meeting 6th

MISCELLANEOUS PAPERS

[*Case of John Goff*]

Capt of Police

You are hereby directed to bring John Goff whereever he may be found before the Executive Committee forthwith and herein fail not, If found on board any ship notify the Capt to appear before the Committee at 8. OClock P.M. of this day

By order of the Executive
August 7th 1851
[Signed] S Payran

[Annotated:] On Board Brig *Veto.*

John Goff, I am not quite prepared to leave the State of California, I may get away on Sunday Morning, at any rate by this day one week I am prepared to leave in the Brig *Veto*, Capt Stevens, she is an American Brig, The Captain is an American Captain, she is bound for Sydney the Brig is owned by myself chiefly, I mean she is owned by me altogether, she cost me $1200, not insured, the Capt is to take her to Sydney and leave her, she has Passengers, seven a man & his wife and five children Mr McDonald is the name of the Passenger The title of the Brig is in my own name,

I have sold all my property and closed all my business;

Attest S Payran

August 7th 1851

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[1] Dr. Kennedy of the ship *Johnstone* was arrested for stabbing the captain, but the Committee immediatey turned him over to the city authorities. *S. F. Herald*, August 11, 13, 16.

Capt John L Stevens, I command the Brig *Veto,* an American Brig—I am a Native Born American, I was born at Eastport State of Maine, the crew on board the Brig are not all Americans, my crew consists of six men besides myself—Mate, Steward and four Seamen I did not ship them, they were shipped at the instance of the owner of the Brig—the Brig is owned by John Goff, the Brig is intended to clear for Sydney, and in ballast, I go as Captain to Sydney only, I do not know what Trade Goff intends her for, it will take all of a week to get her ready for sea, The Brig was brought out here by [. . .]

We have not exactly made an agreement as to what compensation I am to receive, he is to pay me by the Month for taking her down to Sydney, John Goff is owner and goes as super cargo,

his
Attest S Payran John L. X Stephens
August 7th 1851 Mark

The Treasurer Mr Delesseret, will receive a special Deposit from John Goff, to be repaid him in one week from this Eighth day of August A D 1851 by an order from the Executive Committee of the Committee of Vigilence, to be signed by the Chairman & Secretary and Quoram of five members of that body—This deposit is made by said John Goff by order of the Executive, as security that he, the said John Goff shall depart the State of California on board the Brig *Veto,* Capt Stephens for Sydney, within the time stated, should the Ship sails on an earlier day, or on the day fixed, the money shall be repaid on an order as above stated [3]

Done by order of the Executive
August 7th 1851
[Signed] S. Payran
Presdt of Ex Com

Mr Oakes is appointed as a Committee of one to attend to this order, and let the Treasurer endorse on this order the receipt of the money after which return this order executed to the Secretary of the Executive Committee of the Committee of Vigilence

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[3] The San Francisco papers did not record the sailing of the *Veto.*

August 7th 1851

[Signed] S Payran

[Endorsed:] Recd. from Mr John Goff the sum of Two Hundred and Ten Sovereigns being at the rate of $4.85.—One Thousand and Eighteen 50/100 Dollars.

San Francisco Aug. 8th 1851

for: Euge. Delessert Treas.

[Signed] Camilo Martin

Lawrence D Bailey v. s. C L Taylor. August 7th 1851

Lawrence D Bailey— I am bookkeeper at Hillman Temperance House on Clay St above Dupont—on the night of the fifth a man called at the house for lodgings—he gave his name as L L Taylor—on my telling him the amt he would have to pay for his lodging he said he would be compelled to go out for about 10 minutes—I told him the House would be closed before that time—he left & I left and went to bed—Taylor returned and in the morning I found I had been robbed of 9.45/100 dolls—Another Gent in the [same[4]] another room was robbed of 10$—Taylor left the morning the robbery was discovered by a back door—Taylor returned last night and was drunk—Mr Hillman returned to the house while the man was there and directed me to show him to a bed—The Gent who occupied the room with him saw him deposit a bag which seemed to contain money under his pillow—This morning he was still there—This morning a Mr J W Temple discovered he had lost 67.$—Taylor left this morning after breakfast without paying his bill by the same back door—Thaylor was about 30 years of age—middle hight—heavy black whiskers—wore green spectacles last night—well dressed, in black—Last night he talked a great [deal] of his property—said he owned a store on Sansome St three doors above long wharf also a Ranch of some 300 acres—also one third of California Exchange—

[Signed] L. D. Bailey

San Francisco August 7. 1851

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[4] The word in brackets has been crossed out.

[August 7, 1851]

[*Case of Patrick Wilde or Wise*]

Patrick Wilde, I was born in Dublin Ireland left Dublin November 1843, I left in the Ship *Sovereign* Capt Hutton bound to New Holland (Sydney) thence to Bathurst never guilty of any crime, not shipped as a convict, had never been a convict I have been in California about two years my Father in Law has gone home, my wife & step son is here, my wife has $1500 belonging to me, I know Mrs McKenzie I owe her about $70—

Upon a reexamination Patrick admits that he is the party named in the Pardon and was transported . . .[5]

Attest

Ordered by the Executive that Patrick Wilde leave the State of California and never to return, under sentence of Death should he do so,

[*Statement of Jane Wilde*]

Jane Wilde, I am from Sydney, I have been in California sixteen or eighteen months I am married, I married my husband at Bathherst in the Colonies under the name of Wilde, Wilde is his proper name, I knew that Wilde had been a convict was convicted under the name of Wise, which was an assumed name, I believe he was convicted of House breaking, Breaking into a Grocers Store, he was in Sydney a steady industrious man, but in California he has been unsteady, given to drinking, and abusive to me,[6] he has rendered my life intolerable and burdensome to me, I am not Divorced from him (*Papers exhibited*) Divorce merely from Bed & Board I had at first 1132—I paid the Lawyers 313—balance I have used much of for my maintenance, I am willing to pay his passage out of the Country and expenses for keeping—

I know Aaron Gainesborough he resides in the House in which I live, he G. owns the House, I knew G— in Bathhurst he was a Trader in Jewellery & watches, I never knew him to be a convict, I heard at Bathherst that G. was a Convict, it was generally reported that G. was a convict, G. was in town to day Augt 7 1851

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[5] Illegible.

[6] The *S. F. Herald*, August 5, reported that Wild had been bound over to keep the peace for beating his divorced wife. He was transported by the Committee on the *Dorset*. See p. 499.

[Annotated:] Accepted by the whole

FRIDAY, AUGUST 8, 1851

MINUTES

Minutes Friday Evening 8th August 1851

Executive Committee Friday evening 8 August 1851

Present Payran, Ryckman, Schenck, Woodsworth Curtis Bromley Garwood, Graham,

On motion *resolved*, that John F Spence A J Ellis, & Thos McCahill be notified to show Cause why they absent themselves from the Ex. Com. Mr Bromley was excused from fines on a/c of absence from the City.—

On motion *resolved* that an additional collector be added, whereupon A G Randall was duly appointed.—

The Committee appointed to examine the passengers on board ship *Jamestown*, reported favorable to the same— accepted.—

Thomas Jones & Emma his wife were ordered to leave California within thirty days, being convicts from Sydney—

On motion of Mr Brindley—*Resolved*, that Captn Gellespie be ordered to attend this Committee, & be it made known to him that he has brought some several Convicts to this State in the Ship Adriondach, and we demand of him to pay the expenses of said Convicts while here and to pay their expenses back to the Colonies, and should he not do so, to institute proceedings against his ship forthwith—

Mr Curtis was apointed to Superintend the Shipping of the prisoners now on hand.—

A note was recd from F Bule complaining against one Donnelly a Carman, an escaped Convict—order issued to Chief of Police for his arrest.—

Adjourned to meet tomorrow evening at 7½ OClock

[Signed] Wm C Graham

Aff[idavi]t of Streeter & Hatch [*Case of Whittaker*[1]]

State of California
County of Santa Barbara

On this 8th day of August A. D. 1851 before me A. F. Hinchman, County Clerk of Santa Barbara County personally came, William Hatch and David B Streeter who being each sworn say each for himself that they were this morning in company with the man supposed to be Whittaker mentioned in the confession of Stuart before the Vigilance Committee of San Francisco, and who is now in charge of the Sheriff of this County on the affidavit of said Hatch that the man is the said Whittaker, and that the said man supposed to be Whittaker declared this day in their hearing that he had been implicated in certain crimes by the said Confession of Stuart, that he had just come from the mines for fear that he should be there recognized and injured.

[Signed] D. B. Streeter
" W^{m} Huhtz[2]

Witness my name and in the absence of an official seal my private seal

A. F. Hinchman
County Clerk of Sta Barbara County
[Seal]

State of California
County of Santa Barbara

On this 8th day of August A. D. 1851, before me personally came William Hatch who having been duly sworn says that he was in Monterey about three months ago when Osborn & others were tried for robbing the Custom House; that he saw at that time three men who came from San Francisco and who seemed to take a great interest in the trial of said Osborn & others, that one of three was said to be Stuart, that another one of the three was said to be Whittaker a man mentioned in the confession of Stuart before the Vigilance Committee of San Francisco; that the man whom deponent believes to be the said Whittaker is now sitting in the room where this deposition is written and that the following is a fair description of his personal appearance: He is a man of medium height, rather thick and strongly made, with black eyes, black hair slightly curled, with a nose turned up and by no means a Roman, and at present wearing a slight moustache & beard: Deponent further says that he is perfectly confident that the man just described is one of the three who came from San Francisco to attend the trial above mentioned and who seemed to the friends of the prisoners.

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[1] See note 24, p. 232.

[2] The signature is plainly Huhtz, although the name is written "Hatch" in the text of the affidavit.

[Signed] W^{m} Huhtz

Subscribed & sworn before me A. F. Hinchman County Clerk of Santa Barbara County

Witness my private seal in the absence of an official seal.

[Seal] A. F. Hinchman

[*Resignation of W. T. Reynolds*]

To the Chairman & Members of the Vigilance Committee of San Francisco.

Gentlemen My present occupation precluding the possibility of taking my turn to keep guard & perform such other duties, as your Body may assign to me as Member of your Committee; I feel in honor bound, however much I may regret the step, to withdraw my name from your books, preferring to be an outsider than a useless Member—I therefore beg you will accept my resignation.

Those Members to whom I am personally known, are well acquainted with my views of the proceedings of your body, & can also vouch for the fact that I was always on hand to do duty, until other engagements engaged the whole of my time.

In conclusion allow me to say, that so long as the state of affairs in this place, require your organization to remain in force, so long will you find in me, a ready hand & willing heart to serve you in time of need.

I remain, Gentlemen
Yours truly
[Signed] W. Reynolds. n° 233.

San Francisco 8 Aug^{t} 1851.

[Addressed:]

To the Chairman & Members of the Committee of Vigilance
San Francisco

[Added on back of sheet]

Gentlemen,

I withdraw my resignation & request that my name be placed on the list of honorary Members & that I be exempt from fines, for the reasons stated in the within.[3]

Yours obed^{t} Serv^{t}
[Signed] W. Reynolds.

[Receipt for Hospital Money[4]]

Received San Francisco August 8. 1851 from Committee of Vigilance the sum of one hundred & fifteen $^{42}/_{100}$ dollars—money collected from Passengers for Hospital Money—
\$115 $^{42}/_{100}$

[Signed] E. M. Harrison
for Capt^{n} T. B. Harrison

SATURDAY, AUGUST 9, 1851

MINUTES

Minutes Saturday Evening 9th Aug^{t} 1851

Executive Chamber. Saturday Evening 9th August 1851.

Present. Schenck, Huie, Curtis, Woodworth M^{c}Cahill,

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[3] Reynold's name is annotated "exempt" in the *Book of Names* of the sergeant-at-arms. *Papers of the San Francisco Committee of Vigilance of 1851*, I.

[4] By an act passed April 9, 1850, the legislature provided for the establishment of a State Marine Hospital in San Francisco, and ordered that the owners or consignees of vessels should report all incoming passengers and give bonds to protect the Board of Health in case illness should make them public charges. In lieu of bonds, "hospital money" might be paid, at a fee varying from one to five dollars, according to a specified rating of crews and passengers (*California Statutes*, 1850, Chapter 65, and 1851, Chapters 87, 130, 135). The steamship companies tried to collect these sums, not always with success, and the Vigilance Committee, reporting on the passengers of the *Adirondack*, July 16, noted several who "had not paid hospital fee." The *Johnson*, Captain Harrison (or Addison), arrived from Sydney August 7, with 125 passengers (*S. F. Herald*, August 8), and the committee reported on fifty-six persons, none of whom were deemed undesirable. It is evident from the receipt above, that delinquent fees were collected by the Committee, and paid to the captain. The *S. F. Herald*, Dec. 11, 12, 1851, reported that the legality of this fee was protested by the Pacific Mail S. S. Co.

[August 9, 1851]

Ellis, Oakes, Wadsworth, Ryckman, Garwood Saunders, Bluxome, Graham

Minutes read & adopted—

On Motion, *resolved*, that those parties deputed to present a flag from the Ladies of Trinity Parish this evening, have permission to enter the Committee Room and also be respectfully requested to withdraw af[t]er the Ceremonies are concluded, as other important business will be before the Meeting.— Carried.—

Mr McCahill reported that business & the death of his brother has been the cause of his absence & asked remittance of fines,—adopted.—

On Motion *resolved* we recommend to the Genl Committee the handing over the prisoners to the United States *Vincennes* & that an order be given to the chief of police for the Same.[1]—

Aaron Gansborough was put upon his evidence—as pr records —Mr B Sanders having been elected by the Genl Committee to fill the vacancy occasioned by the resignation of Wm T Coleman, took his seat in the Ex. Com.

adjourned to meet 10th at 8 PM

[Signed] Wm C Graham Sec

Minutes of Genl Comm Aug 9. 1851

Meeting called to order by Colonel Huie

Col Turner called to chair

Geo R Ward appointed Secy

On motion of Mr Brannan the Committee from Trinity Parish to present the banner from the ladies, were invited to the room

Mr Brooks presented the banner with most appropriate and flattering remarks The same was recd by the Chairman and Mr. Brooks replied to.[2]

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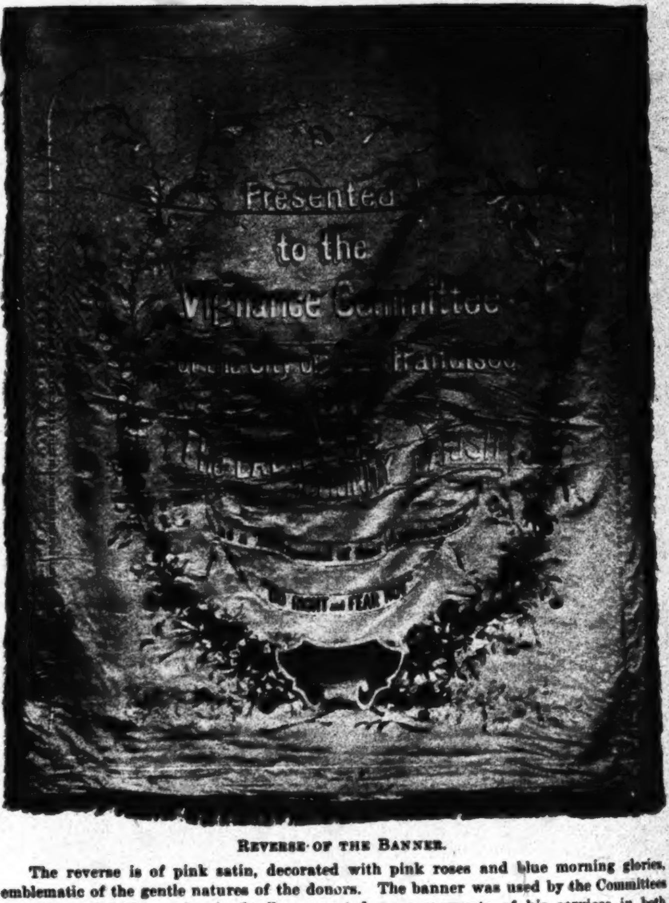
[1] Minutes of the General Committee state that this motion referred to Hays and McKenzie. There is no evidence that they were ever transferred to the *Vincennes*, but the undated report in the case of Hays, on p. 441, shows that at some time Hays was temporarily removed from headquarters, probably in order to evade service of a writ of habeas corpus.

[2] The speeches made on this evening were reported in the papers, and interesting extracts are reprinted in the Introduction. The banner was dispayed on special occasions, and, in 1856, it was carried in the great

PHOTOGRAPH OF THE BANNER PRESENTED BY THE LADIES OF TRINITY CHURCH.

It is 5 feet, 2 inches by 7 feet, 8 inches in size. The front is made of blue satin, with gilt lettering and decorations, shaded with darker blue and red. The oak, fig and olive are emblematic of the strength of the Committee of Vigilance, of the homes which it protected, and of the peace and safety which resulted from its suppression of crime.



Reverse of the Banner.

The reverse is of pink satin, decorated with pink roses and blue morning glories, emblematic of the gentle natures of the donors. The banner was used by the Committees of 1851 and 1856, and was finally presented, as a memento of his services in both organizations, to John S. Ellis, late Brigadier General of the National Guard of California. It is now in the possession of his relatives, having escaped destruction in the fire of 1906, and the reproductions are from recent photographs in the collection of Mr. Hill Tolertonn, of San Francisco.

H A Barling, Jno M^c Kee and James H Edmonston tendered their resignations, stating they were about to leave the city On motion of Mr Bond these gentlemen had unlimited leave of absence

On motion of Mr Brannan the Banner was given into the Custody of the Ex Com^e.

On motion of Mr Haven the banner was ordered to be displayed 1 week.

On motion of Mr. Woodworth the banner was ordered to be displayed at each meeting.

Henry Moeller tendered his resignation which was laid on the table

On Motion of Mr Brannan, a Committee of 5 were appointed by the Chair to draft a suitable letter of thanks to the ladies of Trinity Parish for their beautiful present. viz F Woodworth Payran Delessert Capt Garwood Bond to which by resolution Col Turner the Chairman was added.

On motion of Mr Woodworth

[3]*Resolved* that the Serjeant at Arms be empowered to detail daily a proper and sufficient guard to do duty in this building, that he personally notify such members so detailed, and that any gentlemen receiving such notice who shall refuse or neglect to attend such summons, without a sufficient excuse, shall be prohibited from entering the rooms of this Committee. Carried[4]

Beverly C Saunders on motion was elected to fill the vacancy in the Executive Committee occasioned by the resignation [. . .]

On motion of R Gibbons 404

Whereas, there is a United States Law[5] inflicting a fine of

---

parade that marked the close of the activities of the second Committee of Vigilance. The editor has been informed that it was preserved in San Francisco until the fire of 1906.

[3] The original drafts of the last four resolutions of this date are attached to the minutes.

[4] On the back of the draft of this resolution appears the following:
Saturday Evening Aug^st 10^th 1851
Be it resolved That we now adjourn Sine Die—
Be it moved that above resolution be laid on the Table.

[5] See note 2, p. 134.

One thousand Dollars upon Captains of vessels, for each convict that they bring from the penal Colonies of Great Brittain to the shores of the United States—One half of which fine is awarded to the informer—therefor

Resolved—that the Executive Committee be directed to lodge information forthwith, against the Captains now in port, who have been guilty of this offence, and to prosecute the matter, and that the proceeds be appropriated to the objects of this Committee— Carried

R Gibbons 404

On motion

Resolved Motion that Prisoners Hays and McKenzie be sent on board U. S. S. *Vincennes*—and that James F. Curtis be authorized to make the necessary arrangements Carried

August 9th 1851

Motion of Dr Stout & amendment of Mr Brannan . . .[6]

Resolved that the names of delinquent members be called over and that all such members present be requested to come forward and pay over to one of the collectors appointed by this committee the amount of their delinquincies.—[Annotated:] Woodworth

Motion to adjourn

MISCELLANEOUS PAPERS

Wm. T. Coleman. [*Resignation*]

To the President & Members of the Executive Committee

Gentlemen. Business, nothing but close attention to business has prevented me from being constantly with you, & I have to crave your forbearance for my long absence— I am with you hand, heart & soul & I am sorry I cannot be personally present *all the* time, but whenever I am needed for action, *day* or *night*, command me confidently & unhesitatingly,—but I am compelled in justice to you, & to the General Committee to yield up the charge I had in connexion with your honorable body—Never have I felt such sincere regret in a similar matter in my life—I have felt proud of the charge & wished to maintain it, but yield it confidently unto those whose care & prudence is a guarantee that the great good we have done, will not be destroyed by any rash, ill advised or unwarranted movement—

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[6] The draft of a resolution is torn from the Minutes, although a wafer remains.

[Signed] Wm. T. Coleman

[Addressed:]
To the Executive Committee

[*Resignation of Henry Moeller*]

Gentlemen,

Please accept my resignation as member of the "Committee of Vigilance" Constant business at our office requires my presence, without leaving me time to render my services to the "Committee"

Respectfully
[Signed] Henry Moeller[7]

[Annotated:] Cannot be accepted
[Addressed] To The Committee of Vigilance
Present

[*Report in the Case of Hays*]

Executive Committee respectfully report

That the Prisoner Hays was placed in the hands of Mr Higgins and Mr Oaks two of the Committee for disposal Prisoner is therefore no longer in custody which report your Committee make for confirmation

[Signed] S Payran
Presdt Ex Com

Attest G. W. Ryckman
Sec. pro-tem

[Annotated:] Adopted

[*Resignation of Messers Barling, McKee and Edmondson*]

San Francisco Aug 5th 1851

To The Chairman of the Vigilance Committee

Dr Sir, As the undersigned have determined upon returning to Baltimore by the Steamer of the 1st Proximo—they will require all the time left them, to prepare for that purpose; & have therefore to tender their resignations as members of the Vigilance Committee of San Francisco.

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[7] Henry Moeller, V. C. No. 280, is incorrectly printed Hoeller in the list of members. *Papers of the San Francisco Committee of Vigilance of 1851*, I.

From the interest they feel in the success of the undertakings of the Committee, & the members of it individually—they would add, that they will ever have much pleasure in meeting them, especially, in their native place, Baltimore.

We remain
Your obt Svts
[Signed] Henry A. Barling
" Jno McKee
" James H Edmonson[8]
of the firm of Barling & McKee

[Annotated:] Unlimited leave of absence

Stephen Payran to Executive Committee. Aug 9, 1851

To the Executive Committee

Gentlemen Although about my business today, I am so indisposed by a severe cold as to be unable to attend your deliberations of this Evening, I feel aware of the importance of the deliberations to night, involving as it will many important matters, but with you there are many older and wiser heads than mine therefore nothing is to be feared by my absence; should imperious necessity require me, send me a note to the Mansion House, and I will come if possible

The offer of Middleton rooms I submit to you and appeal to Col Graham as to their fitness,

I would also propose the nomination of Mr Smiley to fill a vacancy in the Executive Board

Truly Yours

August 9th 1851 [Signed] S Payran

P. S. The $25 received last Evening from Mrs Wilde for the keep of her Husband, I deposited with our treasurer, taking his receipt which I handed the Secretary of the Executive

Addressed
To the Executive Committee

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[8] The signature here is plainly Edmonson, but it is somewhat illegible in the roll of members, and appears as Edwardson in the list cited on p. 441.

[August 9, 1851]

[Report of Stephen Payran in Relation to Headquarters]

Gent

I would present to this Committee, that I have visited the Premises corner of Sacramento Street & Sansome Street over the Auction House of Middleton & Smiley and inspected two rooms adjoining each other, one of them 17 × 30 feet, the other 17 × 20, M^r^ Middleton is willing to remove the partition, so as to make of it one large room, with an Executive room, for a rental of $150 per month, perhaps would make it $125—the Attic over the rooms is well calculated for Prisoners being large and airy, perhaps the rooms and use of attic might be had for $150—this arrangement would give us ample room, the Sergeant at Arms could have his room in the attic, the entrance from the Street is 10 feet wide, all of which I respectfully present to your body for consideration.

[Signed] S Payran

August 9th 1851

[Addressed:]

To The Executive Committee

Present

Stephen Payran recommending T J L Smiley. Aug 9, 1851

Dr Sir

I respectfully present the name of Mr Smiley as a candidate to fill one vacancy in the Executive Board, I make the offer on the ground that Mr Smiley has always been a working member. not influenced by the bubbles of the day fearless and unflinching in the discharge of his duty, as well as a paying member, such are the kind of men we desire in our Board

Respectfully

Your Obdt Servt

August 9th 1851

[Signed] S Payran

[Addressed:]

To Capt Garwood

Executive Committee

Present

[August 9, 1851]

[Statement of E. L. Williams. Case of Richard Osman]

Edward L Williams— About the 1st of July Briggs & Morgan went to Monterey and continued down the coast to San Diego— One of the parties named got in a dispute in Monterey with J P Davies about some payment—he put his hand in his pocket and drew out a handfull of 50$ pieces

On the Steamer *Goliah* after the Execution of Stewart there was a woman came down—and went ashore on the beach—the boat was pulled by a Sydney man—instead of going to the wharf she landed in a cove on the beach—the woman was said to be Mrs Hogan but I have since ascertained it was Mrs Osman—on the night succeeding the arrival—Osman came by the overland conveyance—in the morning as I was coming out of my house after breakfast and just upon the arrival of the *Goliah* I saw standing in front of the house of Mr Mathews (also a Sydney man) Mr Osman, partly concealed by a waggon on seeing me looking at him Mathews made a signal to him Osman then drew himself entirely behind the waggon so that I could not see him— I then went down to the wharf to receive some freight while there Mathews came down to the beach apparently watching the movements on board the steamer—while he was watching the boat pushed off with the woman for the Steamer—My attention was drawn off as I had goods to attend to—I was on the wharf with two Californians—and had been busy about ½ an hour—Osman came running down and hailed the boat pulled by the same Sydney man and called the boat back—got in and went on board the steamer—the boat came back Mathews went to the boatman and whispered something to him—and placed something in his hand the boatman immediately put back to the Steamer with it—the boatman instead of coming back to the wharf went to this cove spoken of before the boatman remained in the boat close to the beach—laying on his oars—the Steamer then commenced getting under weigh— I turned to look at Mathews and he stood near a wood pile, I then turned to look at the Steamer getting under weigh— I then turned towards Mathews and saw another man standing with him—and from the fact of no person being with Mathews 5 seconds before I knew he must have been *concealed in the wood pile*—as he had not time to get there in any other way

Mathews said to him now is your time or hurry to him—he then ran down to the cove where the boat was waiting—the Steamer at this time under weigh—the man pulled off his coat and took an oar to overtake the Steamer—the man succeeded in reaching the Steamer and on board— I told the Purser of Steamer who he had on board, & requested him to watch them & notice where they got on shore— The Perser told me on his return from San Diego that he left them there doing some mechanical business— Yesterday I was in Charles Minturns Store House I there saw a box marked Richard Osman Warren House San Francisco in Kearney St—box small rudely constructed—and heavy contents packed with straw

[Signed] No. 650 Edw. L. Williams
of Monterey

San Francisco August 9. 1851

[*Order, Case of Richard Osman*]

It is ordered and requested that a certain Box marked Richard Osman, Warren House, Kearney Street San Francisco be opened and examined by M^r Woodworth, and M^r Ryckman who are deputed for this special duty and to report as to the result of their examination

Done by order of the Executive
August 9th 1851
[Signed] S Payran
Presdt of Ex Committee

Attest W^m C Graham
Secty Ex. Com.

The above constituted Committee in pursuance of the duty devolved upon them, respectfully beg leave to *Report*—

That they have examined the box referred to in the above order and find the contents thereof to be as follows, viz.

1 Set large size Gold Scales & Weights in a case
About 1 doz Fresh Eggs
Three or four Glass Jars Fresh Butter

1 doz Glass Tumblers

1 Cloth Brush—

They would also state that Mr Chas. Minturn at their request has kindly consented to give immediate notice to the Committee on the arrival of Osman or any other person claiming said Box.—

All of which is respectfully submitted

[Signed] Fredk A Woodworth } Committee
" G. W. Ryckman

San Francisco 11th Augt 1851

[Annotated:] adopted

[Letter from William Webster]

F Aargenty Esquire,

Dear Sir, I have been informed by Mayor Branham that a man named Bryon Donoly a late police man, Claims 2500$ for the arrest of Lewis who was convicted for Setting fire to the City. as that reward was offered by the Mayor through a promise from many of the residents here who signd the Subscription paper, we think it proper to investigate the matter before the amount of the reward is handed over. they offer to appoint one person and we to appoint another to investigate the matter: if you cannot attend to it yourself as arbitrator will you appoint some person to sit on Monday next to settle the affair

Yours very truly
[Signed] Wm Webster

San Francisco 9th August 51

[Addressed:]
F. Argenty Esquire
Banker
&c &c &c

SUNDAY, AUGUST 10, 1851

MINUTES

Minutes Sunday Evening 10th August 1851

Executive Chamber
Sunday August 10th 1851

[August 10, 1851]

Present. Payran, Bluxome, Schenck, Ryckman, Woodworth, Wadsworth Gorham, Graham.—

Gainsworth being again before the Committee was further examined as per records on file—and ordered to leave the Country in 20 days & not again to return under penalty of death—

Resolved that a written request be sent to Mr Chas Minturn to send to this Committee a certain Box marked Richd Osman.—

Mr Donelly was discharged under his own cognisance to come before this Committee when ever sent for.—

Resolved that the Sergt at Arms be requested to make out an inventory of the effects of this Committee & report the same at next meeting.—

Resolved that Messrs Gorham & Wadsworth be a committee for the purpose of waiting upon the proprietor of this building & offer him one hundred & fifty dollars per mo. untill he can rent it.—

Resolved that the Committee report the propriety of reducing the Sergt at Arms Salery to one hundred & fifty dollars—

No other business being before the Committee adjourned to meet tomorrow evening at 7½ OClock

[Signed] Wm C Graham Secty

MONDAY, AUGUST 11, 1851

MINUTES

[*Minutes of Executive Committee August 11, 1851*]

Executive Chamber
Monday Evening 11th August 1851

Present Payran Oakes Wadsworth Curtis Ellis Bromley Gorham Ryckman Garwood, Woodworth Brindley Huie Graham

Committee met at 6½ OClock P M

The examination of Sam Whittaker[1] continued up to 10 OClock

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[1] Three days after his arrest in Santa Barbara, Whittaker was in the custody of the Committee. The resolution of this day (p. 448), ordering that he should have the usual prison fare, and not plain bread and water,

[August 11, 1851]

The Committee appointed to wait upon C Minturn to examine a box directed to R. Osman, reported that they had examined the same & presented an inventory of contents Report accepted & Com discharged—

A communication was received from Edw L Williams No 650, with description of sundry individuals at Monterey & requesting to be admitted to ask Whittaker sundry questions relating to them. a resolution was prepared granting him the privilege after the main examination had been gone through with.—

The Committee appointed to see the proprietors of this building report that the[y] have attended to the same & that the Committee can continue at $200 pr mo untill the same can be rented the proprietor given five days notice.— Report accepted & Com discharged—

M^{rs} Hogan was arrested & ordered to continue as a prisoner until after her examination—

Ordered that Whittaker be allowed the same living as the other prisoners.—

Adjourned to meet at 12 OClock M tomorrow

[Signed] W^{m} C Graham Secty

MISCELLANEOUS PAPERS

[*Letter from E. L. Williams*]

San Francisco Aug. 11. 1851

To The members of the "Executive Committee" of the "Vigilance Committee" of San Francisco—

Gentlemen Enclosed please find a description of sundry individuals whom are well known to your Body by name—

I have drawn the descriptions from memory and believe them to be faithful as far as the description goes—

Whittiker, I know and you now have him in your hands, he will probably during his examination corroborate much that I have said—

If it is within your rules I should much like to be present

---

indicated the existence of a sentiment in favor of his rigorous treatment. The *S. F. Herald*, August 22, made indignant denial of a current report that he had been half starved during his confinement.

during his examination for there are certain matters concerning individuals in Monterey which he can explain if he chooses—

Very Respectfully Yours

[Addressed:] [Signed] Edw. L. Williams
Executive Committee of the Vigilance Committee
San Francisco

Personal Description of Richard Osman, John Morris Morgan, James Briggs, John Ryan, ——Matthews, ——Whittiker, ——Quick

Furnished for the use of the "Executive Committee"

Furnished by Edw. L. Williams of Monterey No 650 of the Vigilance Committee of San Francisco

Richard Osman—Is about five feet four inches in height dark hair and Eyes—has a very intelligent countenance and rather pre-possessing in appearance—high forehead and full eye, cheeks slightly sallow—when last seen (about one month ago) he was closely shaved' tho he had been in the habit of wearing whiskers—wore striped Pantaloons of a lilac color—a kind of a pea jacket and was without vest—he is of slight build but has the appearance of being very quick and agile in his movements—sometimes wears a blue silk vest—with a Gold guard chain outside—he is in the opinion of your writer the most intelligent of the whole gang and is without doubt the planner and dictator of their movements—

John Morris Morgan—Is about two or three inches taller than Osman but very stout and burly frame inclining to obesity—dark brown hair, wears whiskers rather lighter color—a full face rather bloated like one who drinks is rather very fond of good living—is somewhat talkative and fraternising in his manners—the writer does not remember enough of his dress to furnish particulars except that he wore dark col^{d} clothes and a guard chain like Osmans—he is the stoutest built of the whole gang—and coarse in his bearing and manners—

James Briggs Is taller by one or two inches than either of the above—hair of a sandy color—eyes of a light brown and very rascaley face he never looks direct at a person but will cast his eyes down—he is strong built and evidently possesses great

[August 11, 1851]
strength—he also dresses in a dark col^{d} clothes not peculiar enough to give a description of—

John Ryan—Is of about the same height and build as Osman Keeps a low grog shop in Monterey, is a Tinman by trade and when disengaged fights with a woman whom he calls his Wife he works at his business a little—he is the man whom Stuart said "was the only one who made anything by the Monterey robbery"[2]—he has a most villainous cast of countenance and tis plainly to be seen on his face and by his bearing where he comes from and who he is.

Has dark hair slightly curled and was brought up in the Parish of St Giles, London, the hot bed of vice of the whole World from whence he emigrated to Van Diemans Land some years ago of course by the agency of the British Government—he came to Monterey about two years ago and has been there every since with the exception of occasional visits to San Francisco the last of which there accompanied him to Monterey Osman, Briggs and Morgan and shortly after the Custom House was robbed there—

—Matthews—has been a resident of Monterey some years—has grey hair and is about forty years of age—his house was the rendezvous of all of the above and he is evidently an accomplice of theirs—at the time of trial for robbing the C. H. at Monterey he furnished bail for the prisoners—he is said to be an escaped Convict from V. D. Land—

—Whittiker—Is now in the hands of the V. C. it is therefore not necessary to give any description of him—He was in Monterey in company with all of the above at the time of the trial in Monterey—W. came down in company with Carlyle alias Stuart for the purpose of swearing to the previous good character of the prisoners—which they both did—Stuart was sworn and gave his testimony under the name of Carlyle withheld the name which he now bears—

—Quick—Was also arrested in Monterey he being concerned with the others for robbing C. H. there—he has a very decidedly rascally countenance, one which a beholder would turn from with repugnance—when last seen by the writer, he wore heavy black whiskers terminating at the corners of his mouth, has a remarkably low and shelving forehead—his two front teeth protrude from the mouth when opened his whole cast forms a profile worthy of a Demon—

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[2] See also pp. 241 and 475.

He was bailed out by Matthews and came to San Francisco and was under arrest here at the time of his trial in Monterey—when the *day* of his trial came on he broke Jail at San F. and the writer has not heard or seen anything of him since—

All of the above may be known to be suspicious characters and to have come from Sydney by any one accustomed to seeing them—they all have the peculiarities of that class of People both in manner and speech with the exception of Osman who by a little disguise can pass for an English Gentleman—

[Signed] Edw. L. Williams

San Francisco Aug. 11. 1851.

[*Report in Relation to Headquarters*]

To The executive Committee

Gentlemen Your Committee appointed last night for the purpose of calling on the proprietors of the rooms now occupied by this body, beg leave to report that the duty assigned them has been attended to, and that the rooms can still be held by the Vigelence Committee for the Sum of two hundred dollars pr month They,—the proprietors—reserving the right to let them to other parties upon giving five days notice to this body.

San Francisco August 11/51.

Respectfully Your Ob^{t} Svts.
[Signed] E, Gorham
" James C. L. Wadsworth

[Annotated:] Adopted
ordered that Whittaker be allowed other feed than bread & water

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[*Letter from the Secretary of the Stockton Vigilance Committee*]

Stockton Aug 11th 1851.

Mr. W. C. Graham
Secretary San Francisco Vigilance Committee

Dear Sir There is a suspicious looking character in this

City by the name of James Smith, he is a tall man Say Six foot. Light hair, thin face strong, muscular wears at present a black surtout coat, brown California hat, has a Large mouth, A man by the name of Brumny is his chum, Smith was in Jail in San Francisco charged with being in a bed room under a bed he was arrested about six weeks since M^c^Elroy is the Officer who knows all [about the transaction[3]]

Yours Respectfully
[Signed] D. G. Sharps Secretary
Stockton Vigilance Committee

[*Notice*]

Sir

You are requested to appear before the Executive Committee of the Committee of Vigilence and testify all you know in relation to one Sam Whittaker at 7½ OClock

Done by order of the Executive
August 11th 1851
[Signed] S Payran
Presdt of Ex Com

Attest Wm C Graham
Sect^y. Ex. Com.

[Annotated:] Messrs Payne & Pheelan will be present this evening at 7½

[Signed] J. B. Evans

TUESDAY, AUGUST 12, 1851

MINUTES

Minutes of Genl Meeting Aug 12, 1851

Capt L Tuffs called to the Chair [Geo R Ward App^d Secy p T][1]

Minutes of previous meeting read & approved

On motion a Committee of 2 were appointed to wait upon the Ex Com Mr Haven & Mr Atkinson were appointed the Com

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[3] Illegible.

On motion of Mr Cartwright

Resolved—That all members who have not paid their fees & fines be requested so to do

On motion of Mr Haven

Resolved That the list of delinquent members be read—Mr Atkinson proceeded to read the same—

Report of Ex Com in regard to leasing the room at present occupied by Com for the sum of 200$ [adopted[1]]

Communication of Ex Com addressed to the Governor of N South Wales in reference to Patrick Wild alias Wyse read—referred back to Ex Com

On motion That Mr Cartwright be appointed a Com to recall the Document addressed to the Governor of N S Wales [Carried.[1]]

Report of Ex Com in relation to Aaron Gainsborg—referred back to Ex Com—

On motion A Com of 3 be appointed to investigate the Case of Mr J L Bleakley said to be expelled by order of Ex Com—Havens, Atkinson & Panton Committee

On motion *Resolved* that no person be allowed to leave the room that have not paid their dues

On motion—The Committee in relation to Brig *Dorset*[2] be referred to Ex Com [passed[1]]

[Signed] Isaac Bluxome Jr
Secretary

MISCELLANEOUS PAPERS.

[*Resolution*]

Resolved that the Executive Com^{e}; be requested to form and present to the Committee for their acceptance a new organization or modus operandi by which the duties of the Com^{e} may be performed

[Annotated:] Aug 12 laid on table

[*Order to Treasurer*]

The Treasurer is hereby requested by the Executive Committee to pay over to Mr Oakes the Amount of Special Deposit set forth in the annexed Certificate[3]

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[1] The words enclosed in brackets are from a draft of the Minutes in Mr. Ward's handwriting.

[2] See p. 499.

Done by order of
the Executive Committee
August 12 1851
[Signed] S Payran
Presdt of Ex Com

Attest Wm C Graham
Secty of Ex Com

[*Letter from V. W. Hearne. Case of Sam Whittaker*]

To The Committee of Vigilance of the City of San Francisco.

Gentlemen Having observed in the publication, of the Confession of Stewart, some few weeks since, that one Samuel Whittaker had been connected with him in his nefarious operations: and having learned, that said Whittaker had recently arrived in the County of which I am the Sherriff; and deeming it my duty if possible, to arrest, and place him in the hands of the proper authorities; I endeavored, and succeeded in effecting his arrest, and transported him to this City.

While endeavoring here, to place him in charge of the Sherriff of this County, he was taken into custody by some of the members of your Committee; and here of course, my efforts necessarily terminated.

The Capture, & Conveyance of Whittaker to this place, has been accomplished solely at my own personal expense, which I am but poorly able to bear; I therefore respectfully submit it to your Committee, whether, or not, you will remunerate me for said expenses; the amount of which is $150[4]

I remain gentlemen

Very Respectfully
Your Obt Servant
[Signed] Valentine W Hearne
Sheriff of Santa Barbara Co
Cala

San Francisco August 12th 1851

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[3] The certificate mentioned is missing.

[4] The Committee reimbursed Hearne by paying $135 for the passage of the sheriff, his deputy and Whittaker between Santa Barbara and San Francisco. See voucher No. 40, p. 781.

[August 12, 1851]

[Letter from R. B. Sharp]

Sact—Aug 12th 1851

Wm Woodward

Dear Sir you will please keep a good Lookout for *James Grayham* of Batto. he is charged with the Murder of his pardner a Mr Lesby—which occurance took place in Green Wood Valley yesterday morning. I left Green Wood last night at dark with a state warrant for him and examined every house at Salmon falls —and got on his track, and I suppose he will be in Sanfrancisco by one of the steamers, he has robed Mr Lesby of $750.00[?] if you should find him bring him to Green Wood valley and you will be amply rewarded.

in haste
Yours With Sentiments of Regard.
[Signed] R.[?] B. Sharp
proprietor Green Wood Cottage
Middel fork American River

[Addressed:] in haste
Mr William Woodward police
or—the Vigilance Committee
Sanfrancisco Cal
from R B Sharp

Doct Randall. Letter from San Diego

San Diego Cal—
August 5th 1851

I, N, Thorn Esq

My Dear Sir I first saw about July 23d or 25th at Santa Barbara the Confession of Stuart, and it is only on yesterday that I saw the suppressed portions, and the attempt made by candidates for office, at the *vindication* of Wm Roach the Sheriffs Character and connection with the persons that Robbed me,
I will make some statements to the Vigilance Committee as soon as I return, in regard to the Sheriff at Monterey that will show that the evidence of Stuart in regard to him, was not probibally verry incorrect nothwistanding some (*being caught in bad company*) are trying to whitewash him, for they have favors to ask, (*it is about election times*) or are equally deep in the *mud;* I

know them *all well,* and I dont believe there is so corrupt a *clique* extant in any civilised country as exist in Monterey of which officers of the County are concerned—

R, E, Osman and woman or wife left here yesterday on the steemer bound for Panama with another man that came here with him, there remains here three men and two women that came here with them one of them has one or two children, Jim Briggs and John Morriss Morgan left on a Panama Steemer some three weeks ago the precise date I can give when I arrive at Los Angelos,

I hope to be in San Francisco in the course of two or three weeks,

Yours Truly

[Signed] A, Randall[5]

I open this letter to say, that I think *McIntyre* and *McCarty* are persons I think that made *overtures* to me in relation to the Robbery of me, I can tell as soon as I see them,

R

[Addressed:]
I. N. Thorn Esq
San Francisco
Cal

[Endorsed:] Rec^{d} Aug 12, 1851

Harriet Langmeade Statement. August 12th 1851

Harriet Langmeade [*Sw*[*orn*] I was Born in Hammersmith Middlesex near London, I am about thirty nine years of age, Myself and Sister Emigrated to Launceston Van Dieman's Land about the year 1838, I left England in the Ship *Charles Kerr* Capt Arnold I left Van Dieman Land in the Ship *David Malcolm* and arrived in the month of December A D 1849 I have lived in San Francisco since 1849 I came with my Husband to San Francisco and worked at the Fremont Hotel, my Husband desired me to prostitute my body for his support which I refused to do, he (my husband) went to the mines, after which I became acquainted with Capt Arrentrue and I went to live said Snow that he did not know the Cartman nor where the with him at his Office in the Plaza, he was then Street Commissioner, I remained there about three or four months, I became disgusted with such an idle life, I then took a House near the American Hotel, and took in with me a man and his wife by the name of Hunter, and we took in washing—I still lived with Arrentrue, I then commenced Dress Making at a House next the New York Hotel, then I lived in an old House in Dupont Street where I lived three or four months and was there confined Doctor Parker attended me, child is Dead, I then took a room over Raphael Restaurant Sacramento Street, I lived there two or three months, from thence I removed to the Bath House on same Street, and I then took a Store opened a Saloon which I sold out, I then kept the Byron House about six weeks, from thence I went into Merchant Street and commenced Dress Making, I was there about a fortnight when the Rowdies broke into my House and destroyed all my property, I then went into Kearney Street above Sacramento Street—where I lived about five weeks and was burned out, after the Fire, I went down to my Washerwoman Tent and staid a day or two, afterwards I was invited by M^rs^ Hogan to stop at her House, I was there a few days Arrentrue was then with me, Arrentrue had no money, I supported him for a year I left Arrentrue, and went up to Stockton with a view of doing business, about two weeks, since, after getting to Stockton I heard that Arrentrue was arrested I came down immediately and stopped at Bailey's One or two nights, finding that I could do nothing for him, I left again for Sonoro,

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[5] See note 36, pp. 235–236.

I went to see M^rs^ Hogan at the time of Stuart's Execution, so as to learn the truth of his Statement, as to Arrentrue, she asked me if I did not know Whittaker, the man who kept Belcher Kay's Company, This man Whittaker shot at me because B Kay had his head cut open for insulting me, the ball knocked a Lamp down without injury to me, *Whittaker brought in.* I know him he is the man who shot at me, I heard Arrentrue say that he had quit T. B. Kay's company, this is all that I know of Whittaker, T. B. Kay insulted me at my own house, a man by the name of Tooig cut B. Kay's head open for the insult, I do not [know?] any of the Persons inquired of to wit Kay, Edwards, Osman, Morgan, Stuart MacKenzie, M^rs^ Hogan told me that she had foiled the Committee in relation to the Likeness of Whittaker, that she had secreted the Likeness and the Committee could not find it, I know nothing unexceptionable to Capt Arrentrue, other than that of drinking

[*Statement of Lucy Fry*]

Lucy Fry states that she came passenger on board three masted Sch^{r} *Major Tompkins* which left New Orleans 8th day of August 1849. Cap^{tn} Samuel Deuprey [?] bound to California

I found out immediately that Miss Moran was on board, she was brought on board by M^{r} Dugan she told me that she had altered her way of life & was now married to Cap^{t} Deuprey—

At Rio de Jenerio he informed the Gentlemen passengers that she was his wife—

We stopped at Valpariso—Callio—about [. . .] days out from Callio a lady passenger a Chilanian came to the passengers in the Steerage stating that the Capt^{n} had insulted her & that he had threatened that in case she did not consent to his wishes he would throw her overboard, that one of the passengers an Elderly gentleman gave her his berth & slept upon the table in the Steerage that early one morning the Captain came into the Steerage & took her by the arm & led her on deck after which she never was seen—a man at the wheel a sailor by the name of W^{m} Ray stated that he seen the Capt^{n} throw her overboard—this W^{m} Ray was in San Francisco about a month or six weeks ago.—

The treatment of Capt Deuprey was of the most brutal character that he struck another lady passenger & knocked one of her teeth out.— he struck Mr Ross & several other passengers & abused all on board more or less—me he never struck but often cursed

her
Lucy X Fry
mark

August 12th 1851

WEDNESDAY, AUGUST 13, 1851

MINUTES

[*Minutes of Executive Committee August 13, 1851*]

Wednesday Evening August 13th 1851

Present. Payran, Ryckman, Garwood, Bluxome, Bromley Schenck, Wadsworth, Gorham

The Statement of Sam Whittaker having been read to Mrs Hogan she stated that as far as she was able to judge from conversations she had heard to be true,—after which she was discharged.—

In the case of Wm Cummings for the theft of two sophias—Saml A Snow—John Middleton—Smiley Smith Sherman were examined as per testimony on record filed

In the case of H. Wm Lovegood for Larceny.

[The following endorsement relates to August 21. See note 2, p. 507.]

George Robinson part owner of the cargo of the *President* (ship) from Launceston to Monterey & thence to Sanfrancisco, once before this Committee, T. B. Mc Manus testified in his behalf,

Richard Hawdon late clerk to G Robinson testifies, that he knows parties that know he G. R— to have been a convict and has a general pardon, and is about to leave for Sydney in Iron Schooner *Titan*—he under valued his goods in his invoices & had to pay a much higher appraisment,

A man called Thomas Taylor alias Moses Moss a Convict goes along with him, they threatened the Clerk with assault

R. Hawdon is to be found opposite the Star house on Long Whf, near Tobin & Duncan

MISCELLANEOUS PAPERS

[*Complaint against William Cummings*]

Wm Cummings constable of San Francisco went to the House of Samuel Snow upholsterer & paper hanger to assist in moving his things at the time of the June fire he ingaged a carman and toled him to take the things to his stable and secret them and not to let anyone see them in the meane time he said to the said Snow that he did not know the Cartman nor where the things had gone to &c he had the things carried to Middleton & Smiley store and sold By his order and kept the money and Refused to give any account of them &c Mr Shurman the express man will give you the cartman name and where he can be found at any time he is at J Riddle store corner of Clay st & Montgomery st the things was Bought By Mr E. Neuman in Clay st near Stockton St left hand side as you go up Clay st

[Signed] T. C. Kilborn

[*Notice*]

Samuel Snow
Mr Sherman

You are requested to appear before the Committee this Evening at 8 OClock to testify in a certain case now pending before them and herein fail not

By order of the Executive
Committe Augt 13th 1851
[Signed] S Payran

[Annotated:] Witnesses Examined

[*Report of D. L. Oakley. Case of William Lovegrove*]

The following charges can be proved in the case of W^m Lovegrove

Stealing a large quantity of tallow from M^r Fuller.—

Stealing Lumber and building his house with it—

Stealing a boat from a British Ship and altering and repainting her so as to render irrecognizable.

For carrying out of this town and secreting a large quantity of valuable goods at the May fire

For stealing a Gun, boat & other articles from a boy and depriving the said boy of his liberty, and making him, aid in the theft of the Tallow above alluded to.

His house is a rendevous of a gang which keep the neighborhood in a state of perpetual fear.

[Signed] D L Oakley

Aug 13th No. 418

[Addressed:]

To the Ex-Committee

THURSDAY, AUGUST 14, 1851

MINUTES

[*Minutes of Executive Committee August 14, 1851*]

Executive Chamber
Thursday Morning Aug 14 1851

Present, Payran—Ryckman,—Oakes, Bluxome,—Graham,—

The examination of Hayes & M^c^ Kenzie was further gone into, as per records filed.— Adjourned to meet at 7½ OClock.—

[Signed] W^m^ C Graham Sect^y^

Thursday Evening Aug^t^ 14th 1851

Present— Payran, — Schenck, — Bluxome, — Ryckman, — Brindley,—Wadsworth Oakes,—Graham,—

W^m^ Cummins was brought before the Committee and after a full investigation the parties not wishing the affair, as it was of so trifling a nature, to go before the Authorities, he was discharged.—

FRIDAY, AUGUST 15, 1851

MISCELLANEOUS PAPERS

Complaint filed against the Brig E. Randall, Capt Cole

[Copy of] Ticket

Berth M— San Francisco August 15^th^ 1851

Received of M^r^ J. S. Riley forty dollars for one passage on Brig *E Randolph* to Mazatlan—

$40— Signed C. A. Smith Agent

There were 60 Persons took passage on this Brig some as early as the 7^th^ of August price paid from 40 to $60—we went on Board, a Captain Cole was Commander we examined the Custom House register and found she was owned by a Capt Tucker, we reported this to this Captain Tucker, he denied it and said he was not the owner &c, the vessel is making no preparation for Sea, E. J. Folsom came on Board and said he was the owner, gave us no satisfaction claimed to be the owner, now states that he has a Power of Attorney to sell, Cole has cleared out, we are detained and our Money lost

[Endorsed:] Folsom resides at the Corner of Powell & Broadway

Capt Tucker

There is $500 deposited with Argenti—

Allen J. Gladding

[*Resignation of W. C. Graham*]

San Francisco 15th August 1851.

To the Ex Committee

Gentn You will confer a favor upon your humble servant by accepting this my resignation from your honorable body as circumstances require my attention in other quarters

With much respect
I remain Your Obt St
[Signed] Wm C Graham

[Addressed:]
To President & Members of the Executive Committee

[*Report on Robert McKenzie*]

Executive Chamber August 15th 1851

In the matter of Robert Mackenzie or Kinney in charge of the Committee, implicated with Sam Whittaker, Stuart and others, as accomplice and confederate with them in crime, whereby much loss and damage has taken place

Your Committee respectfully represent that they have had much difficulty with the Prisoner by reason of his obstinacy, in his first examinations being guilty of lies and prevarication, whereby the patience of your Committee have been severely put to the test, nevertheless, the final examination of the Prisoner has brought to light the fact of his being one of the gang of accomplices, and your Committee verily believe that Mackenzie has suppressed much,

Your Committee are solemnly of opinion that the said Mackenzie is a hardened offender, and dangerous to this community, that like Whittaker it would be unsafe to hand him over to the Authorities or mete out to him a less Penalty than Death

[We therefore recommend that the Prisoner be condemned to suffer Death on Monday the 18th inst at One OClock P. M. that the Sentence be passed this night, and that he receive the Benefit of Clergy and that the Executive Committee be kept in Session until 12 OClock of Sunday night the 17th to receive communications from Prisoner.[1]]

[Signed] S Payran
Presdt of Ex Com

Attest Wm C Graham Secy

Confession of Robert McKensie or Kinney

Robert McKenzie, my right name is Robert McKinney, I am twenty six years of age, I was born in Cumberland England, I left England twelve or thirteen years ago, I was about thirteen years old when I left England, I left Liverpool England with my Parents on the Ship *Verandah* for New Orleans, I lived in New Orleans until about March 1849 when I left for California via Panama, and arrived in Steamer *California,* Capt Budd at San Francisco, I then engaged in boating at Clarks point, I followed boating, the whole time, but about two months, during the time I lived at Mr Bruner's, Clarks Point, also Mrs Brewers & Mrs Kettel's I was one week at Bruner's five days at Mrs Brewer's, balance of time at Mrs Kettell's Mrs Brewer lived at the head of Pacific Street, Mrs Kittell lived in Kearney Street near Bush; about six months and a half ago, I went to Trinidad in the Steamer *Eudora,* I boated and done business as a lighterman at Trinidad Bay, I had a Partner by the name of Jerry Long—I bought a Sloop and went to the mouth of the Klamath, then back to Trinidad and took a load of Provisions on board the Sloop, then went back to the Klamath, and there lost the Sloop it was about three months ago, I then went to the Mines at Shasta Valley, I worked at the Mines about three Weeks, made a living there, the only man that worked with me was Johnson, We then volunteered to Colonel Williams to go to Foal River &

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[1] The paragraph enclosed in brackets has been crossed out.

Pitt River to fight the Indians, and to look for a new Trail, we were seventeen days, for which we got five dollars per day, I was then discharged at Readings House,

I then agreed with a Waggoner to drive his Waggon down to Sacramento I stopped in Sacramento three days at the lower end, I and Harry Klegg put up a Tent at which place I was arrested, I do not know T. B. Kay— Billy Carr knows me— I know Ben Ray the Capt of the Police I have seen Professor Cambell—I never lost five hundred dollars, I have heard of Professor Campbell losing five hundred dollars, I have seen Kelly, I read in the Papers that Kelly lost the money, about seven or eight months ago I heard it, I was in San Francisco at the time. I was on the road from the Mission Dolores to the City at the time that Kelly had the Prize fight, I was in company at the Mission with Kelly and Campbell

At the time Kelly and us went into the House, when Kelly came out he said he had lost the five hundred dollars—

Being confronted with Whittaker the Prisoners declared that they did not know each other,

Hays was brought in they declared that they did not know each other

John Erbet Wilmington called in, says he cannot identify the Prisoner remembers the Schooner *Wm B. Allen* at Trinidad and helped to unload her, does not know Pete

August 13th Examination resumed

Prisoner being obstinate and refusing to answer was remanded

August 14th 12. O.Clock M.

Prisoner brought up, Examination continued

I know Sam Whittaker, I became acquainted with him at the Prize fight between Kelly and McGee after the fight was done we came to a Public House outside the Mission Dolores where Kelly was, either Whittaker or Hughes asked me if I was acquainted with the *Bear Hunter* I said I was acquainted with him, they told me there was some money to be got and if I would take the Bear Hunter into another room to see Kelly they would get it, I took him in to see Kelly—the Bear Hunter & myself talked with Kelly a few minutes, said we were sorry he had lost the fight, then we came out, the Bear Hunter found the money was gone and made a search for it, Bear Hunter went Home with Kelly—and I went home with others in a Cart, that night I went to the Bear Hunters and asked him if he had got the money he said no I then went to a House caled the Bird in hand kept by King alias the Barber corner of Montgomery St & Broadway—I stopped there a bit (I had been there previously about a week before this time) King told me to walk into the back room, I went in and saw Whittaker, King and his Partner, M^c^Cormick Morris Morgan & Osman, they told me that part of the money was gone, the balance was divided amongst us about $35 each I then went to a Gambling House by myself when I got to the Gambling House, I saw all of this party there, Jack Smith also I was invited to drink along with all of them, drank with them and staid, till about 11 OClock, Whittaker was dressed up as a Gentleman and asked me to go and sleep with him that night at M^rs^ Ryan's I did so next morning Jack Smith and T. B. Kay came there Whittaker told them, they had got the Bear Hunter's money, T. B. Kay said it was a pity to take the money from the Fighters, this was the first time I had seen Kay. After this I went to King's one day, I saw all these parties there, I went from there with King to the Port Phillip House which was kept by M^c^Cormick & Whittaker, I was introduced there, and then went there from time to time, I was introduced into the back sitting place, and saw T. B. Kay there, and all the rest of them Stuart, alias English Jim, T B Kay said they had got a thing, and was fixing on a party who should go; it was C Minturn's—we were all sitting together, T B Kay had been several times at C Minturn's office to examine and inquire, it was arranged that M^c^Cormick Whittaker English Jim, Edwards, Adams, Jack Lowe Myself, & T. B. Kay—T. B. Kay went down to the office, when the office was closed he came to the end of the wharf to meet the party, Edwards and some of the party had gone for a Boat, The Boat came all of the party got into the Boat, except T B Kay & myself remained outside as lookouts, The party had got into the Building—just as we had got it all arranged the Clerk or Wharfinger came back for a Book or something, the man went into the Store, T. B. Kay &

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myself run off and the others got off as they could we went back to the Port Phillip House in about an hour the whole party came in, Jack Lowe was going to hit me, he said it was my fault, that they did not succeed

After this affair I went to Sacramento I saw Kelly there, I told Kelly all I knew about his Robbery, I came down in the Steam Boat, the same Night, Kelly followed me down to San Francisco, and went to McCormick, told McCormick that he had stole his money—and while I was at Trinidad I heard that Kelly had got his money by selling McCormick out.—

I went to take a ride to the Mission with a man by the name of John Hughes went to the Mission and saw Kelly and McGee, we got drunk at the Mission and as we were coming home, we met some eight or Ten chinaman, one of them was behind all the others, I was behind in the valley or hollow about 400 yards Hughes was in advance on top of the Hill, the Chinaman's Hat fell off his Horse ran away about 3 or 400 yds back of a House, Hughes galloped after the Horse and got it, Hughes was very Drunk, Hughes asked the Chinaman five dollars for catching the Horse, the Chinaman said he had no five dollars, The Chinaman took his Purse out, Hughes, clicked it out of his hand and galloped off—I met Hughes in Town just as we were putting away the Horses when the Policemen came, they took us Prisoners, to the Station House searched Hughes, found the Money and two specimens, we were taken before the Recorder Tilford, I was discharged, Hughes was put back till next Court, Hughes got seven years, I do not know whether he is in Prison or not,

About a fortnight before the Minturn affair, Edwards brought English Jim in the Port Phillip House, Jim had on a Cloak, and a Hat drawn down over his Eyes, they said he was the man who had broke out of the Prison Brig at Sacramento when I went to Trinidad English Jim came down there, he was Gambling in a House at night with a Policeman named Joseph Wall, whom I knew in New Orleans—while they were playing I recognized him, I asked him what sent him down there, he said you dont know me Sir, I talked to him after which we came outside the House

he asked me what I was doing, I told him I was boating, he said he was only going to stop another day, that he would not stay in such a place, he came back to San Francisco I believe in the Schooner *Allen*,

These men said that the Police received bribes—

I have heard T. B. Kay speak of Macondra's about robbing it

Mrs Ryan was the woman whom Whittaker was said to sleep with, the Husband was jealous of him, Husband & wife parted the woman was sent back to Sydney

his
Robert X McKenzie
mark or Kenny

Attest S Payran August 15th 1851
Attest not to be published

[*Report on Samuel Whittaker*]

Executive Chamber
August 15th 1851

In the Matter of Samuel Whittaker a Prisoner in charge of the Committee, who stands implicated by Stuart and others, as being guilty of divers offences, whereby the safety of Lives and property have been endangered

Your Committee respectfully report that they have expended much time and labor in the investigation of this case, and from the Confession of Whittaker made at different times during his imprisonment, as well as from the Testimony of Mrs Hogan, Confession of Mackenzie &c they are of opinion that this is a case which can only be reached by this committee

We recommend that the Prisoner be condemned to suffer the penalty of Death [on Monday the 18th inst at One OClock P. M. that he be Sentenced this night, and receive the benefit of Clergy, from the time of Sentence until time of execution, that the Excutive Committee be kept in Session from the time of Sentence until 12 OClock of Sunday night the 17th inst to receive communications from Prisoner through his Priest, or from himself personally[2]]

[Signed] S Payran
Presdt of Ex Com

Attest Wm C Graham Secty

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[2] The portion enclosed in brackets has been crossed out.

[August 15, 1851]

[*Confession of Samuel Whittaker*]

Sam Whittaker examined [3]

My name is Saml Whittaker, I was born in Manchester England. I am thirty three years of age next October. I left the port of London in May 1836 on board the *Lady Kennaway,* I do not recollect the Capt's name, she was bound to Sidney and was a convict ship, I was transported for life in that ship for house breaking I was assigned to Mr Smith about fifty miles from Sidney—I left the Colonies about two years since by the ship *Louisa,* Capt Malor—I arrived in San Francisco in August 1849 I got my freedom in 1849 from Gov Fitz Roy I have lost the pardon. It was a conditional pardon. The first business I commenced in San Francisco was as steward in a Public House kept by Crockstein in Broadway. I was in their employ about three months. After leaving that employ I bought a horse and cart & Boat. I employed men to work the team and Boat about two months. I then went to Butchering in Happy Valley and carried it on about one year. I then gave up butchering and went to keeping Public House in Jackson St near Sansome St with a man by the name of Mc Cormick, about two months. I then gave up keeping Public House

Sam Whittaker states that Samuel Whittaker is an assumed name, it was the name under which he was transported, and desires to suppress his real name for family considerations, and as an act of humanity; I began my career of crime in San Francisco at the time I formed my connection with Mc Cormick in keeping the Port Philip House, (before this while Butchering) I used to ride my Horse two or three times a week to the Mission Dolores to purchase cattle. Sanchez offered me a splendid Black Mare at one hundred and fifty dollars, I refused to buy on account of price, James Currey came to me and said the mare was his, I finally bought the Mare Saddle & Bridle for one hundred dollars and Curry came in with me and I paid him taking a receipt for the same, I then rode the mare around, while doing so, a man stopped me and said the Mare belonged to Dutch Charlie and was stolen, and had been advertised, finding it so, I gave up the Mare and looked for Cury I found him altered in dress and about to leave, I took him to Elleard's and there charged him with stealing the Mare, and demanded my money—I got back sixty dollars I then took him to Dutch Charlie Charlie knocked him down and took him to Station House, The sixty dollars was taken by the Police from me, to be handed back after the Trial, I was summoned, attended Court the trial did not come on, Jack Hays put me on a Jury, to try a man charged with stealing a Pistol, we found him guilty and he was sentenced for two years for this trifling Offense, Court adjourned, I was summoned again to attend Court I did so, Cury had been let off his case was never tried, I demanded my money, the officials asked me how long it had been I told them about sixty days, they laughed at it, and said that it was lost after thirty days, I mention this case to show how justice is administered here, and it seemed to me that a Thief had a better chance than an honest man this took place in Levi Parsons Court who was the Judge

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[3] Whittaker's confession is undated, but the main portion was, undoubtedly, made before the Committee reported on his case. Several sheets of the manuscript have become almost illegible through discoloration, and the concluding pages are entirely missing, but as the papers of August 18 printed, in full, the evidence in regard to both Whittaker and McKenzie, reference to the *Herald* of that date has made it possible to complete the imperfect document. It has seemed unnecessary to repeat notes on criminals already mentioned.

The first crime of which I was guilty was that of robbing a Bear Hunter by the name of Vyse the other side of the Mission in that matter, M^{c}Cormick MacKenzie Osman, Morris Morgan, two Kings were engaged, I knew the Bear Hunter, and M^{c}Kenzie also knew him, M^{c}Kenzie took the Bear Hunter into another room, while he was in that room, Morgan took the money $900 or thereabouts, when the Bear Hunter came out he found that he had been robbed, we professed to know nothing about it, coming into Town, one of the party stole six hundred of the $900, the money was divided at King's House corner of Broadway and Montgomery Streets, we got only $35 each, the money taken from Vyse belonged to Kelly the Fighting Man, shortly after MacKenzie went to Sacramento City, and told Kelly who it was that robbed him on this information Kelly came down from Sacramento, I was then at Monterey Kelly had M^{c}Cormick arrested and put into Jail, they threatened to Lynch

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M^cCormick, and got from him some Instrument by which they sold out the Port Phillip House, to reimburse the loss—

After this I went to Monterey with Briggs and Osman, while I was there T. Belcher Kay came down Osman, Kay and myself came up to San José. Kay had the Delerium Tremens at San Jose, Osman came to San Francisco; while there M^cCarty & M^cIntyre told Osman to bring up from Monterey Jim Briggs and Morgan, that they had a House to do that would yield $40,000, they came up, I came up also in the *Goliath* Osman & Briggs received from these officers as to what House, and went to look at it, they asked me to take a look at it I did so, but finding that Jemny from Town (Burns) was engaged I refused to have anything to do with it, and they also refused, I think it was Schloss Brothers, it was nearly opposite the old Custom House, about this time T Belcher Kay was interested in arranging the robbery of the Jewellery establishment and other places,

After this we arranged the robbery of Jansen's Establishment, Jansen lived next door to me, many Persons from Colonies frequented my House, and on leaving the Country generally wanted Sovereigns, Jansen told me that he usually had them and would be glad to sell them, and would be obliged to me to take them, Morgan went with me into Jansen's to buy some Soverigns, this first gave rise to the supposed amount of money Jansen had

Jansen was about to remove, English Jim, Edwards, M^cCormick planned it thus, the Cart was loaded with the Trunk containing the money, Jansen's Clerk sat on the Trunk with a Candle in his hand, one of the party had slipped the lynch Pin out of the Axle of the Cart expecting that by so doing the wheel would come off—and on falling they would seize the Trunk, however the wheel did not come off and they were disappointed, some time after this English Jim, Briggs, M^cCormick Edwards T. B. Kay myself, Hughes and Morgan planned the robbery of Jansen again, the whole of us were walking past Jansen's when our attention was arrested by a dim light at the bottom of the Store, Morgan went and would have sneaked the money without being discovered, English Jim was standing at the Window, and said if I do not go in there will be no money got, he went in, Jim had on a Camblet Cloak which rustled he carried a piece of a stick on the head of which there was a Lump of lead as large as a man's fist, he struck Jansen, knocked him down, Jansen screamed but it was but an instant, T. B. Kay Hughes, Edwards McCormick were on the same side with Jansen's store, Briggs & myself were on the opposite side, Morgan & English Jim were inside, they brought out the money it was taken to Edward's House, and there divided the money there fell to one share respectively One hundred and Ninety six dollars each, the odd money was spent in the House, they also took Jansen's Watch Edwards Brother got that and threw it into the Bay

While at the Port Phillip House, a man came in and asked me to trust him for something to drink, I told him no, but I would give him a glass of Grog he drank the Liquor, after which he said to me you are a dammed clever fellow, and gave me three hundred dollars to take care of for him—afterwards he called for his money, there was a man present, whose name I do not recollect, but whose name can be found on the records, the man was inebriated when I gave him the money, this fellow robbed the man of the money and cleared out, on Sunday night following he came back to the House I spoke to him about it, he said he had given George $40, I asked him what share belonged to me, he told me that my share he had left in the man's Pocket to get, I told him to wait until McCormick came, however they, this man and another closed upon me, I knocked them down, I broke the Jaw of one in three places, he prosecuted me for an Assault & Battery I was arrested employed Mr. Wells, the case was tried, I was fined $100, ordered to pay Doctor Bills, and be imprisoned Ten days on the Prison Brig, I had paid Wells $100 Counsel fees, I told Wells that it was inconvenient to leave my business and should like to compromise, I told Tilford this also he said that he would speak to my Counsel, Wells called on me and said it could be compromised for $230 which amount I paid I state this case also to show the manner in which the Laws are administered, and the corruption, if it had not been for the manner in which I have been treated, and saw others treated by the Laws I should not have been here,

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I know a man by the name of Palmer, this Palmer was a Bird Stuffer he used to live opposite to me on the Hill,

The next matter in which I was interested, and will bring before your view is that of Windred and Berdue they were charged with having robbed Jansen tried for it, and convicted, but they had nothing to do with it, I exerted myself much to same them, I told Parbut that they were innocent, but I did not tell him who were guilty, I had a long argument with M^r^ Theodore Payne about it, it was intended in case Windred & Berdue were executed to Burn the City, I heard it from different Persons, English Jim was one, indeed all that were engaged in the Jansens Robbery made that declaration, and many others, it was the only time that I ever heard the Colonial People say anything about burning the City, it was to be fired at night in four or five different places—

The next robbery of importance planned by us was that of C. Minturn,

The parties who planned this robbery were T. B. Kay, he put it up, Edwards, M^c^Cormick myself, English Jim, Adams, Mackenzie I think this was all, there was another party were to have done that place to wit, Briggs, Morgan, Osman and Mackenzie, but failed from the bungling way they undertook it, we were then to do it, we entered the place through the back window, we intended to cut the floor away and lower the safe into a Boat which Edwards had stole for the purpose, while thus engaged the clerk returned, which alarmed us, we jumped through the window and got away—

I was not interested in the robbery of the Ship, *James Kaskie*

We then tried to get up the Robbery of Macondray Store but it fell through T. Belcher Kay put up Macondra's

T. B. Kay also put up a jewellery establishment in a Brick Building in Sacramento Street, Kay was an ignorant man, he can scarcely read or write, his real name is Gibson, I went through the Premises and examined it, and declined doing it, on the ground that to effect it we would have to murder perhaps four or five Persons

M^c^Cormick & English Jim went together to shoot a man by the name of O'Flaherty; when M^c^ Cormick was arrested for taking Liquor of Mess Phelan's OFlaherty went to the Court and stated that M^c^ Cormick had robbed him in the Colonies, it was for this M^c^ Cormick intended to kill him, Jim M^c^ Cormick & my self went, it was a Moonlight night, I said to M^c^ Cormick that it was too light, and that I would shoot him, at some other time, I done this to save the man, O'Flaherty lived then in Bryant place,

Since the May fire Jack Arentrue met me it appeared that Jack Smith had frequently told that I was a very clever fellow. Arentrue has been after me many times and pointed out several places to me, I never would engage in anything with him, he met me in the street one day and took me down and introduced me to a man by the name of Earl, we met Earl in the Street, Arentrue introduced me to him, we drank together, we then went down to the Custom House, Arrentrue described it to me, stood on the place said there was $800,000—then we went and looked at the drain, then we went to the other Custom House he took me inside we looked at the Safe or vault that was Building, Earl proposed renting the House next door to the Custom House, and opening an Architect's Office in it, and getting Watkins, and we were to rob it from his Office, this was practicable,[4] Earl took me to see Watkins Watkins had made his Escape at this time.

Arrentrue and Earl proposed to me to rob the El Dorado, they argued that the interest they had with the authorities would cover our operations I had got sick of all such work and made up my mind to leave off and therefore took no further notice of it, Arrentrue & Earl used to frequently to come to my place at M^rs^ Hogans and drink with me & play cards—I went up to Marysville to see if I could rent a Public House, while there the June Fire in San Francisco took place, and I came down. I saw Arrentrue & his woman—at M^rs^ Hogans she allowed them to stay as they were friends of mine, however when I came they went away as I made some fuss about it, and would not allow her to take anything for their Board & Lodging while they were there, I lived with M^rs^ Hogan four Months during M^r^ Hogans absence, during that time I lived with Mrs Hogan as man & wife . . . indeed she never intended to live with Hogan any more, I knew her in the Colony I have heard it said that Mrs Hogan had been transported, I told Mrs Hogan about Arrentrue & Earl's proposition, she imagined that I was engaged in robbery I paid her $20 per week for my Board I was not engaged in any business, I also gave her many presents, say about Two Thousand five hundred dollars—Mrs Hogan knew English Jim and I saw English Jim's likeness in her draw, it was a small one, she also has mine Mrs Hogan knew all the men I have stated, they used to frequent her House

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[4] See note 43, p. 244.

I derived the monies thus, I won $700 off English Jim at Monte, I had $14 or 1500 by me that I had saved while I was a Butcher

George Adams, Mc Cormick, Hughes Mackenzie robbed Duzovo on Sacramento Street below Kearney on the South side It was in September or October early in the evening said to be about $15000 I was absent at the time

I won of Hetherington's Companion $600—his name was Dan, I won at thimbles, Edwards & myself have been associated together and they wanted a share of my winnings, a man by the name of Jones, alias Grice, who made his escape from Prison, at Marysville, Jones also wanted a share of it as he was a Companion of Long Charley the reason why Jones wanted a share was that I and long Charley had won it together A man by the name of Gallagher, took up the matter for Jones, and went to my House at Mrs Hogan's, and went into Mrs Hogans Bed room on tip toe with a drawn Dagger to look for me, Mrs Hogan asked him what he wanted, he replied that he wanted Whittaker, that he would make me show up the Money, Mrs Hogan told him that I was not there, it was talked about his looking after me to kill me, a day or two after Gallagher was found Dead in the street by Edwards House, there was no Mark on him except on the Head, I think that Gallagher knew too much of Edwards business, I think therefore that Edwards poisoned him—at the time Gallagher went into Mrs Hogans Bed room, I was at the House of Doctor Lambert at the Mission, Mrs Hogan came out to me with a letter from Judge Bowie to take to Monterey, M^rs^ Hogan was frequently in the habit of coming to see me while at Doctor Lambert, Doctor Lambert is a man from the Colonies, I took the Letter to Monterey it contained Documents of money that Briggs, Morgan & Osman had in the Banks of San Francisco, I delivered up the Documents to Parbut, The Monterey Trial came on that week, English Jim came also to Monterey, I think he came down to shoot me either for my money or Jealousy, I knew all about the robbery at Monterey I loaned Osman Morgan & Briggs $1000—Quick put up the Monterey Custom House for robbery Ryan was one of the party—and the only one that received any benefit,

I was not interested in any of the Robberies of the Jewellers, M^c^ Cormick told me of the robberies, I believe if you keep quiet and not publish that the Jewellery will be recovered Osman bought it for $600 and I do not believe that he has sold it yet.

I gave M^rs^ Hogan 21 oz in gold for my Board at one time, I had loaned that amount to Osman, and he returned it—the last money I got was $1200 I gave M^rs^ Hogan, there was a Miner came into M^rs^ Hogans House in Sansome Street; T. B. Kay, Edwards & myself were there at the time, the Miner laid down a large Bag of Gold containing two Bags, John Edwards and myself took the Miner out, I had previously taken up the Bag & secreted it—when we took the Miner out we met M^c^ Cormick, and McCormick & Edwards went after the Miner he had (the Miner) 500 or $600 more on him, Edwards and M^c^ Cormick took that from the Miner also, I returned back to M^rs^ Hogans to meet T. B. Kay. I took one Bag out there was $700 in it, I gave Edwards Two hundred dollars. I gave T. B. Kay $25—T. B. Kay owed me One hundred and fifty dollars previously loaned him by me, I then gave him $25 more which made $200 as his share of the plunder as M^c^ Cormick & Edwards kept the 500 or $600 that they took from the Miner afterwards led him away from M^rs^ Hogans House I kept the other Bag and made no division of it with my confederates, the other Bag which I did not divide contained $800 which with my share of that divided say $300, as I gave but $200 to each of my Confederates, Kay and Edwards and deducting from Kays share the $150 he owed me, left $1249 to me of the Miners money all of which I gave to M^rs^

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Hogans, M^rs Hogans knew that I took it from the Man, we were engaged in treating the man with champagne to effect the object, which she knew, I also told her,

Of the money I won of Dan at Gambling I gave her about $300 Jim Briggs paid me $100 of the money I loaned him I also gave that to her I exchanged Watches with her mine was the most valuable I also gave her a Diamond ring she bought it out of the funds I gave her

A girl kept by Thibault lived with M^rs Hogans she lived there about a week or a fortnight after I went there she is also aware of my intercourse with M^rs Hogan she Keeps a Public House at Marysville called the Steamboat Hotel

T. B. Kay when Port Warden took M^c Cormick on Board a man of War in the Harbor the Capt or one of the Superior Officers possessed a very valuable Gold Lever Watch with a Snake Chain, while the Officer was asleep M^c Cormick stole the Watch M^c Cormick carried it with him when he went to London, I have no doubt but what it might be recovered Kay knew that M^cCormick had taken it T. B. Kay said afterwards that he was sorry for it, that the Officer said he would not have taken a $1000 for it, as it was a gift from a Father

If the Committe write to Dan Forrester of London, or the Chief of Police of Manchester, they will send M^c Cormick and the Watch back again

Old Jack alias Morris Morgan told me that Hughes did it with two flats robbed the Dupont Jewellery [store] Hughes was apprehended for it, and was acquitted I do not know where he is he may have gone out of the Country—I was told that Old Jack took away all that Jewellery, One night it was stated that some of Vigilance Committee met him, Old Jack knocked down one of the men and jumped a fence, in doing so, Jack said he lost part of the Jewellery, amongst it was a small Watch, which was found in a Hat next morning[5]

I believe Morgan has all the Jewellery and I believe he is down the Coast I think Mazatlan if proper means were taken I think it might be recovered—

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[5] See p. 47.

Hetherington and myself were at M^rs Hogans at the same time, we sometimes slept together Hetherington told me, that his Partner *Antone* was a passionate man, he killed two men, I saw him kill one—it was at the corner of the El Dorado at night and in a crowd Antone stabbed him with a Dagger the Dagger stuck so fast that in drawing it out it pulled the man over, two men were arrested but nothing was made out of it Antone never was suspected,

English Jim and George Smith told me that they shot the man on the Stockton road, it was foggy when they shot him, the man run towards the House and died nearly as soon as he entered the Man had considerable money

I know Berdue I do not think he is a Thief

I never knew of any one setting a place on fire in San Francisco except *Billy Sweet Cheese,* I heard that he set the U. S. on the Plaza on Fire, at the time it was vacant, his name was Billy Shears otherwise called Billy Sweet Cheese—this report is rumor. M^rs Hogan told me for one

I know Peter Freeman, if he is the man I know he is not a thief—

After robbing the Miner alluded to at M^rs Hogan's, I met Andy M^c Carty in Pacific Street, while Edwards & myself were leading off the Miner we met Andy M^cCarty, I said M^cCarty I will give you some money in the morning I went to Britton Jones Office Sent to the Police Office for M^cCarty—to come down, M^cCarty came down, I then gave M^cCarty three ounces, I said M^cCarty I give you one ounce for T. B. Kay one for Edwards, and one for myself Edwards was with me at the time, Britton Jones saw me give the money to him, I told M^cCarty that M^cCormick had got some $500 from the Miner and he must go and get some out of him too

Whittaker's history of T. B. Kay

On the Continent and in Paris he is known as *Count Peri* in England and the Colonies as *Singing Billy,* also as Billy Gibson—and is now a runaway Convict from Van Dieman', Land, T. B.

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Kay has a Spanish woman for a wife also has a child by the woman, T. B. Kay got off from Launceston with a man by the name of George Madden.

The time that Tooig lopped T. B. Kay with the axe next door to the Rochester House, I was going past there, and it was reported that Tooig had been bailed out for the Assault & Battery of Kay that night, the Rochester House was shut up it was very dark there was a light in the upper part of the House, and Company I opened the Door by pushing it, and there was a Globe Lamp burning in the passage, I took my Revolver out and shot at the Lamp, and the Ball hit the Flame, broke the Lamp and knocked it all into darkness I went up the Street about fifty Yards, I walked back quietly past the House, before I had got to the House the Frenchman had got to the door with the light, I was watching them examining the Door to see where the ball had gone in, I looked to see if *Tooig* was there, I could not see him so I walked away home, they, the inmates of the House never knew who did it, until I told of it at Mrs Hogans after the Fire,

Billy Hughes is a runaway Convict, John Edwards is another John Morris Morgan is another they came from Van Dieman's Land there is no comparison between the Convicts of Sydney & Van Dieman's Land the latter are so bad, that they would not allow them to come into Sydney

Brown in the Police was the man who did the dirty work for McCarty & McIntyre, I was the man who got Windred away I went to the new Jail with Windred's wife and Mrs Hogan I sent the Key in Tom Byrnes (the man you sent to Sydney) came to my House and said Windred was out, I got up and went down to the Wharf at Pacific Street, George Adams and Windred were there, I told Adams to go away by himself—I took Windred to a Stable and got Horses, and took Windred out to Lambert, I told Lambert to take care of him and I would pay all expenses—Windred was there about two weeks—I used to get a Carriage and took Mrs Windred and Mrs Hogan out to Lamberts to see her Husband Mrs Windred used to come to see me and Mrs Hogans at Mrs. Hogans House dressed in men Clothes as a disguise about two weeks from the time I took him Windred to Lamberts, I got a ship and I engaged a passage for Windred, and appointed a Night to put him on Board, I told Kitchen to stand by with his Boat that I had a man to put on board the ship, I took one Horse and went out to Lambert's and got Windred away I gave Windred my Cap, bought a new one for myself passed through Sansome Street to Broadway—down Broadway to Battery Street, then I put him down a passage way at Clark's Point I said stand there Windred until I call for you, the Watchword is *Ferguson*, I went past the House kept by West formerly; M^rs^ Hogan and M^rs^ Windred were there in waiting going past, I saw Jim Briggs in One House, I then went across to Kitchen to say I was ready—and there I saw George Adams, I was astonished at seeing these men so near each other being all escaped Prisoners & the Police were walking about, Kitchen went down with his Boat, and I told M^rs^ Windred and M^rs^ Hogan. I was ready, but would not allow them to go at that moment. I went to where I left Windred, and called *Ferguson*, he came out, I brought him up about half way, and told him I would bring his wife to bid him good bye—(I then went & brought M^rs^ Windred and M^rs^ Hogan to the spot, they bid him good bye,) and I put him in the Boat of Kitchen who took him to the Ship, and we went to West's place, I then went to where Adams was, I asked him why he did not go away, having broke out of Prison, why dont you bolt he said he had no money I said I cant help it, I mentioned it to M^rs^ Hogan & M^rs^ Windred, I said come let us go home, he wants money and I have got none, M^rs^ Windred said I have some seven dollars, well said I, give it me, I have three, and I went back and found Adams had gone, so I returned her the seven dollars and we went home the vessels in which Windred was placed remained in Port a Week or a fortnight, and I feared he would be apprehended again M^rs^ Windred came every night in men Clothes to M^rs^ Hogan's to know when the ship sailed. Windred sent word to his wife to come on board to go with him and she went on board, and the morning after the Fire of May—the vessel sailed and his wife went with him. About a fortnight after, a Brother of Windred's arrived from Sydney in another ship from Sydney—he is here working about Town, Long Jim, alias Stuart, showed me a large specimen of the value of $140, which he said he took off the body of the Man Moore whom he had murdered—he pledged it with Kitchen for $40, Kitchen has that Specimen now,

Kitchen is a rough Boatman looking fellow; dirty, very dirty —Kitchen kept a Boarding House in Battery Street, near Clarks Point, he is a stout man dark hair, much hair on the face, he is a convict from Van Dieman's Land he is about 30 years of age—there are few from Van Dieman's Land but what are transported

I know Crockstein & Ward—Ward is a Convict I know it to be a fact English Jim alias Stuart went up to Coombs and had his likeness taken, the night after he, Stuart, said I must have some money—this man Coombs had about $300 in a Box, T. B. Kay and Morgan went with him, Jim went first, Kay second, Morgan third up the stair way to Coombs Gallery when they reached the second pair of stairs, there was a man sleeping on the Stairs or Landing Jim said there is a man here. Kay says to the man what in the Hell are you doing there, the man answered Oh! I am a Watchman, Kay says so you are lay still old fellow I wont disturb you tonight, tell Mr Coombs we will come in the Morning—they retired from that scrape

Purcell a Police officer used to take money—he took money of Hughes he would take money from any one.[6]

I know Gainesborg, I went a trading with him to Stockton once, I do not know that he would steal himself, but he would deal with Thieves, he has solicited me to obtain goods improperly and he would buy them,—he used to visit Mrs Hogans House,— I did not like peddling, I wanted to take a store and go into business properly—I have heard that he was a transported convict,—he has confessed it to me; it was a common report in the Colonies; it is always known who is and who is not a convict, I know from my knowledge of him that he is a dammed rogue, and would, for sake of gain, induce men under suspicion, or called thieves to do anything for his benefit, taking care to keep himself out of the scrape under supposed good character;

At the Primary Election for Malachi Fallon, I was solicited by

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[6] McKenzie contradicted this (note 5, p. 532). See also p. 364.

M^cCarty, Sweeney and M^cIntyre to aid in that Election. I accordingly did so, I went down accordingly to the Primary Election, and got some twelve votes for Malachi Fallon. John Edwards Britton Jones, W^m Kitchen, Morris Morgan, Long Charley—these men were all convicts and Foreigners, the balance of the votes I got were of the same cast

The list of names I now give, are known as Thieves,

William Clay—is from the Colonies, I believe him to be a convict—I know him to be a Thief—he is a tall dark Complexioned man, about thirty or thirty five years of age,

Tallentine,—is from the Colonies, I believe him to be a convict, he is a slight made man, much Pock marked, light hair & eyes I believe, he had a Lawsuit with Britton W. Jones about robbing—he is a thief by Profession—I believe

William Gregory from Van Diemans Land,—he is a Partner of Tallentine, they generally worked together, as Thieves—he is a low sized and low set man very much Pock marked, rather a down look, he is at the mines at Sonora and as soon as the Vigilance Committee breaks up he will be back again.

Edward Edwards and Charles Edwards, Brothers of John Edwards;[7] they are from the Colonies; I believe them to be convicts; they are thieves; they are low-sized men; Charles is light complexioned. Edward is dark; Charles has light hair; Edward has darker hair than Charles; these men have a man by the name of Tom, a tall, dark-complexioned man; these Edwards had a boat, and used to steal and trade up and down the river, these men stole potatoes from a ship; also six cases of boots.

Big Bill; he is an American; large, full faced man; lived with an Irish woman who kept a bar at Clark's Point, the house is opposite to where Burns kept, he is a thief.

Wilson, a boatman at Clark's Point, an American, about 5 feet 8 inches in height, stout made, light complexion, red hair, light eyes; he is a thief, he used to come to my own house in Jackson street with Jimmy-from-Town.

The man George, whose jaw I broke, which I have stated in my confession touching the miner who left $300 in my hands;

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[7] The confession is concluded from the report printed in the *Herald*.

he is about 5 feet 8 or 9 inches high, round shouldered, dark complexion, dark hair, a dirty looking fellow, he is a thief.

Charley, a young man about 25 years of age, used to be a waiter at the American Hotel in the square, at the Miners' Restaurant on Long Wharf, and at the Stage Hotel in San Jose, he is about 5 feet 6 inches dark complexion, dark curly hair, an American, thief by adoption, he was much connected with McIntyre and McCarty, he was in jail for some robbery, which took place in Happy Valley, of $2,000.

Dick Smith was from the colonies, I think a convict. he was about 5 feet 6 or 7 inches, light complexion, rather florid, light hair, light eyes, stout made man, he was connected with the police; he was a putter-up, a kind of go-between the thief and the police, he told me that if any of my friends got into trouble, he would get them out, he would go, or get straw bail.

Thomas Holt, native of Sydney, he is about 5 feet 6 or 7 inches in height, spare made, dark complexion, dark hair and eyes, black teeth, he is a thief, he may be somewhere about the city, his parents are reputed rich, he is about 18 or 19 years of age.

King, commonly called the Barber, kept the public house called the Bird-in-Hand, corner of Montgomery and Pacific streets; he is about five feet five or six inches high, rather stout, light hair, light complexion, light eyes, about 30 years of age; he was a thief; he was engaged in the affair of the bear hunter's, stated by me in my confession; he has a partner always with him, a thin faced, dark man, a little taller than himself; they are inseparable companions; I think Barber keeps a public house; Barber is from the Colonies; I should say he is a convict.

Bluey is from the Colonies; a convict; he is a stout man, about five feet eight inches, dark complexioned, dark hair and eyes; I think he shaves; a country loking fellow. He is a thief, and went about town playing chance games; I have heard of his being engaged in robberies.

A dirty looking little pock-marked Jew (whose name I do not know,) kept a store on the levee at Sacramento; Long Jim wanted to sell him his goods, and because Long Jim would not take the price offered by the Jew, the Jew went and informed against him, and Jim threatened to kill him if he got a chance; this Jew was a receiver of stolen goods.

There is a baker by trade at the Mission Dolores; he is a dark, dirty looking fellow. He is a bad character. He proposed to Edwards to rob a man who was going down country to buy cattle.

Long Bill, who used to be a waiter in a restaurant on Dalance street, off Gold street, is a tall man, an American, dark complexioned, dark hair and dark eyes. He was a thief.

John Darke, from Sydney, is five feet five or six inches high, dark complexioned, dark curly hair. He is a thief on his own hook. I don't know who his associates were. I rather think he stole on his own account.

There is one, a cooper by trade, whose name I do not know; he was associated with Long Bill; answers in description to Darke; carried a slung shot. He is a convict. He used to show the slung shot and say that was a convincer. I believe he was a dangerous fellow. I do not know that he is here now.

Joseph Turner and his wife; Turner is a tall, good looking man, dark complexion; he is from the colonies; the man Turner answers this description; his wife will meet a man in the street, get into conversation, leads the man into a bye place, and Turner comes on them suddenly and says, "What are you doing with my wife?" by which means he gets money from the men whom his wife thus decoys; I believe him to be a thief; I don't know where he lives in town.

Thomas Williams, from the colonies. This is the man who decoyed a man into the up stairs of Crockstoin's house, (without Crockstoin's knowledge) and there robbed him of $2000; he is a dark complexioned man, 5 feet 5 inches, dark eyes and hair; I saw him at Marysville last; he travels about stealing and doing anything.

P. J. Barnes, a tinman from the colonies, a convict; he lives on Montgomery street, between Broadway and Pacific streets; he is a stout man, rather light complexioned and rather surly looking; he will buy stolen goods or steal them; he was apprehended for stealing a trunk from a black fellow, next door to him; they made it up.

[August 15, 1851]

Palmer, the bird-stuffer, is supposed to be a receiver of stolen goods; his name in connection with mine, was sent to the police office, which letter, by a train of circumstances, got into my hands.

Robert Ogden, from the colonies, I think a convict; he kept a house "Live and Let Live," on Broadway, near O'Neil Place. I believe him to be a thief; he had $8000 of property in his place; not long before he could not pay me for a bulock; he is at Marysville now.

Davis, who kept the saloon under the theatre, now keeps Britton & Jones' house, in Pacific street. This man is a thief; he is from the colonies; I think he was a convict; he robbed a friend of mine, (George ——,) of $25,000.

Whittaker, on being shown a pair of calippers, he stated that he saw a pair on David Earl, who showed them to him as being useful. Earl was confronted with him, and denied ever having seen such an instrument before. Whittaker states that Earl showed them to him at night in the street.

Earl told me what a clever thing he once done with the calippers; he said that he once opened a door, went into a man's room, took the money from under the man's head, went out, re-locked the door, and it was never discovered.

McCarty and McIntyre, at the time of the fire came to me and said there was a safe lying in the street, and wanted me to get a billy and break it open and take out the contents; I found it impracticable and went away. They came after me, and said the California Savings' Bank offered $500 to save their safe; they wanted me to get a scow and carry it off, but the fire had got all around and I could not do it.

Mrs. Hogan, to do her justice, I must say that she done all in her power to break up my associations, and to lead a different life.

AUGUST 14, 6 o'clock P. M.

I know Mrs. Quelfelt; I called to see her in company with Mrs. Hogan; I knew her some few months.

I slept at Mrs. Quelfelt's one night; I went up to Sonora, and found that I could get work for a horse and cart at an ounce a day; I came back and slept at Mrs Quelfelt's one night; when I arrived in town, I went to Mrs. Hogan's and found it would not be agreeable for me to sleep there, as Hogan had returned; I therefore slept at Mrs. Quelfelt's that night, and I gave Mrs. Hogan an ounce to pay to Mrs. Quelfelt; Mrs. Hogan did not take me; she came to see me there the next day. I bought a horse and cart of Cornell's and went in the steamer next day to Stockton; she might have said it was a safe place to conceal myself.

There was some person came into the room while I was at Mrs. Quelfelt's; I did not purposely conceal myself; I was in the habit of using my handkerchief frequently.

I do not know Mr. Quelfelt; I was educated as a mechanic, farrier; I have also acted as groom and trainer of horses; never was taught stenography.

Whittaker [*Cross Examination*]

Q Do you know Mrs Quiefeldt? If so how long have you known her? only a short time

Q Did you sleep at Mrs Quilfeldt's house on Broadway next the new Jail? If so when & how often? One night only

Q How came you to go there? Did Mrs Hogan take you? I went myself M^rs^ Hogan called to see me

Q Did Mrs Hogan or anyone else ever tell you that it was a good place to conceal yourself? No

Q When you went there to sleep did Mrs Q know that the officers were after you and that you came there to conceal yourself? No

Q Did either Mrs H or yourself pay Mrs Q for your sleeping there? If so how much? $16

Q When one of the Boarders came into the rooms where you were did Mrs Q tell you to hide your face & did you hide it with your hands or handkerchief

Q Did Mrs H or Mrs Q ever tell you that they could "smash" or dispose of jewelry for you or others Never

[August 15, 1851]

Q Did you ever know or hear that either Mrs Q or Mrs H did sell any stolen jewelry for anyone Never

Q Did you ever know that any stolen goods or jewelry were deposited or concealed at Mrs Q's Never did

Q Do you know Mr Q? Did you ever know or hear that he purchased stolen jewelry? No

Q Do you know Mrs Thibault who now lives at Marysville—the one that lived with Mrs H on Sansome St? Yes

Q What do you know about her? Did she ever conceal you or help you escape? Is she looked on by the thieves as a woman they can rely on? Never Cannot rely on her

Q Where did you go to from Mrs Quilfeldts? To Stockton

Q Did Mrs Q know where you were going to? She did not—

Q Did you tell her you were going to the Lagoon to purchase horses? I told her I was going to see a Horse

Q What do you know about the Spanish Dance House next door to Mrs Q's? Did you ever sleep there? Did not know there was one, never slept there

Q Do you know anything about a cart load of Boots & Shoes &c that was taken to Mrs Q's after the May fire— I do not—

Q Did you know Maj Jarvis when he lived with Mrs Hogan? I do—he was murdered at the Mission

Q Were you in the City at the time of his murder I was—

Q Do you know or have you ever heard anything about who killed him or what he was killed for? I do not

Q Were you out at or towards the Mission the day Jarvis was killed? I was there the day preceding the night of his murder, parted with him at the Mansion House, next day saw an account of the murder in the Papers[8]

Q Did you when in Mrs Q's house, hear her ask Mrs H for money & did you give Mrs H money to give to Mrs Q— Yes $16—

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[8] Captain E. M. Jarvis was killed, the latter part of March, 1851, by an intoxicated man named Slater, with whom he had quarreled. *Alta California*, April 1, 2, 13, 1851.

Q Do you know Anderson—the fruit man cor Sacramento & Kearney—What do you know of him Do not know him—

Whittaker[9]—does he know Metcalf who resides on the Mission Road—Capt Clark says that he can prove Metcalf to be a convict.

Dupont street robbery—who committed it and where is the property How many murders have been committed in S. F. that you know of or have heard of—and who committed them. Was Hetherington one of them.

Who sat fire to S. F. and how much plunder was obtained—where was it put and how divided.—What do you know of Angel Island, &c &c

Sacramento st Robbery.—Who committed this robbery where is the property.—

Names of thieves—do you know Freeman, Hawkins, Oliver, Henry, Wall, Hecker, Ben Fuller, a butcher, Gibson, Russuter[?] Mexican Bill, Frank, Thompson, Henry Johnson, William Sefton, Charles —— Saml Korn, Tom McGlackin, Charles Mc Gruder, Wm Jones (alias) Peacock, Phill Miller, a French boy named "Joe"—Bill Smith, George Thompson, Charles Wall of Philadelphia, Big George of S. F.—Jack Smith. —A. L. Melvin, an engineer employed at Pile driving.—Broadrick.—

The Grocery Store of E. L. Morgan Corner of Pacific & Dupont St. was attempted to be robbed by getting under the Store and boreing through the floor so as to open the front door. This was some time last season. The store was opposite the Polka House—*Enquire of Whittaker.*—

On the night of the last election the Room Door of D. Kinniff was opened by the use of plyers and robbed, the door was then locked on the outside and the house plundered several

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[9] This question, and those which follow, are written on separate pages, and have neither date nor endorsement, but seem to refer to Whittaker's cross examination.

[August 15, 1851]

Miniatures wer stolen the House was on Pacific St next door to Dupont and over the Drug Store of Doctor O'Brien

[*Examination of Mrs Hogan*]

[From the *S. F. Herald*, August 18]

Mrs Mary Ann Hogan[10] I have heard it stated at my table that the man named Mason was English Jim, or Jim Stuart, the man who committed the murder; Whittaker never told me in private though he might have done so in public. Briggs used to board vessels for Mr. Hogan and purchase articles for him; has not seen Briggs for two months; does not know where he is now; he has very dark hair; is not quite so tall as Mr. E. S. Woodworth, but is much stouter; think he has dark eyes; have joked at the counter in regard to his age; he said he was eight-and-twenty, but I should think he was eight-and-thiry or forty years of age; should think he was a Lancashire man; he used to live with Huttmann and Miller; was there nearly two years. Did not see Whittaker yesterday; have not seen him since Monday week; he did not say he was going to Sonora; I told him that Mr. Hogan did not wish him to stay and he therefore left; don't know that he has not gone to the States.

Mary Ann Hogan, re-examined—I am a native of England; I left England when I was about two or three years of age, and went to the Colonies; I married in the Colonies; kept public house at Sydney; I have no recollection of every having seen Whittaker in the Colonies; I left Sydney about two years since; during my residence in the Colonies I never was charged with the commission of crime. On our arrival in San Francisco my husband commenced a general business; we changed this business into that of keeping a public house; the first house kept by us was in Sansome street; while living here my husband went to Oregon on business; I became acquainted with Whittaker at my own house in Sansome street, at the time my husband went to Oregon; I became acquainted with Whittaker through Jim Briggs; I also knew T. B. Kay, Edwards, Osman, English Jim alias Stuart, Hughes and Arrentrue; these men were in the habit of frequenting my house in Sansome street; after the fire I moved to Green and Dupont streets; Whittaker went with me there; I received nothing from Whittaker except $20 per week for his board; I never received any presents of any kind from Whittaker, nor from any of the party named as frequenting my house. I knew Gainesborg, the Jew; I knew nothing against him; Whittaker and he traded together; I exchanged watches with Whittaker; I carried a letter from Judge Bowie to Whittaker, at Lambert's; Mr. Hogan lost all his money by buying lands here, and that was the reason why I kept house; Hetherington boarded with me ever since we went to Sansome street; he was a gambler; I recollect a man coming to my house with a dagger drawn, and he went into the room adjoining the bar-room; said he was looking for Whittaker to kill him. I told him Whittaker was not there. Whittaker was at Dr. Lambert's at the time; I went out there with the letter sent to him by Bowie; I did hear of a man being found dead near Edward's house; I never saw the man. Do not that it was the man who came to look for Whittaker with a dagger. I remember Whittaker giving me twenty-one ounces to take care of; I recollect the circumstance of a miner being at my house, and that money was taken from him, as I was informed; Whittaker gave me some money at the time, not so much as he (Whittaker) has stated; I do not think it was $500; I cannot say how much it was; I think Whittaker gave me $300 of the money won from Dan; this was about the time Whittaker went to Dr. Lambert's; the money that Whittaker states he gave me of the money repaid him by Jim Briggs, was in the twenty-one ounces he gave me, and not a separate amount; I never bought a shawl or diamond ring out of the moneys given me by Whittaker; I bought the shawl and diamond ring of a Jew, named Gaineborg. Thebault's girl lived at my house about two months.

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[10] Mrs. Hogan's statement is missing from the files, but it was published on August 18, in connection with the confessions of Whittaker and McKenzie.

Prisoner Whittaker brought in and confronted with Mrs. Hogan.

I repaid the moneys back to Whittaker; I held them in trust for him, $350 at one time, $300 at another time. Whittaker said "I gave the money to her to use as she might think proper; when I wanted money, I asked her"—this arose from the manner in which we were living at the time as man and wife.

Examination of Mrs. Hogan continued—Mrs. Hogan knowing of the associations of Whittaker, and that he was hunted as a dog, advised him to go to work and break off his associations; sent him to the mines twice; know nothing of his stealing, except the case of the miner; I knew his association and confederation with the men I have named; two of the police, Andy McCarty and McIntrye, came to my house and inquired for Whittaker; said they understood Whittaker had won $2000; I answered, not so much, that Whittaker had only won about $300; they said that if Whittaker did not come to the office and give them some money, they would get out a warrant for Whittaker; I have heard all the confession of Whittaker read to me carefully, and I have heard Whittaker make the statements; all that he has said is, so far as my knowledge extends, true; I have heard some of the men state the same; I have reason to believe the statements, so far as they go, to be true.

[*Statement of J. W. Whiting*]

[From the *S. F. Herald*, August 18]

James W. Whiting, states—that Whitaker said if Windred and Berdue should be hung for the Jansen robbery, the town would be burned down; this he stated to Mrs. Windred; he said he knew who committed the attempt to murder and rob Jansen; would not tell; he recommended Mrs. Windred to employ Parbut, a lawyer; Whittaker at that time, the time of Windred and Berdue's affair, was living with Mrs. Hogan, the times I went to Mrs. Hogan's house with Mrs. Windred to see about witnesses, which Whittaker said he could obtain to show the innocence of Windred and Berdue, things appeared to be right. I know Berdue, but nothing as to his character.

SATURDAY, AUGUST 16, 1851

MINUTES

Minutes of General Meeting August 16. 1851

Mr Selim Woodworth in the Chair

Minutes of previous Meeting read & approved

Mr Bohrer a committee appointed to ascertain the cause of Mr J L Bleakleys expulsion from this committee—reports that he has inquired of some of Ex Com and cannot learn any reason for the same

Report of Ex Com Case of David Earle

All reports of Ex Com adopted—

On motion

Resolved That a general meeting be called on Tuesday evening at 8 o'clock through the press[1]

On motion Mr Woodworth

That the Confession of the Prisoners be printed in all the papers

That the President of Ex Com have charge of printing confession & evidence

On motion of Col Huie

That Mr Smiley be added to Ex Com

Report of Ex Com in reference to resignation of nine members of Ex be laid on table[2]

On motion Dr [. . .]

That the thanks of this Com be tendered to the Ex Com

MISCELLANEOUS PAPERS

Resignation of Philip A Roach. Aug 16. 1851

Gentlemen

My engagements compel me to be absent from San Francisco and for this reason I respectfully tender my resignation as a member of your Association: which be pleased to accept.

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[1] The following notice apeared in the San Francisco papers, August 18 and 19:

"Vigilance Committee—A punctual attendance of all the members of the Vigilance Committee of San Francisco is requested on Tuesday Evening, August 19th, at 7½ o'clock, as business of the utmost importance will come before them. By order No. 67, Secretary."

[2] See pp. 498–499.

Very respectfully
Your obt servant
[Signed] Philip A Roach

San Fc° 16 Aug 1851

[Annotated:] Leave of absence granted and remittance of Fines & Dues for the time,

In the Matter of Philip A. Roach Resignation

Your Committee report that they have granted said P. A. Roach leave of absence, and remittance of Dues & fines for the time of said absence

[Signed] S Payran
Attest G. W. Ryckman Presdt of Ex Com
Sec pro tem

SUNDAY, AUGUST 17, 1851

MISCELLANEOUS PAPERS

Evidence in Case of Wm Cummings. Aug 17. 1851

Executive Chamber
August 17th 1851

In the matter of William Cummings charged with Embezzlement

Your Committee report that they have examined into all of the facts touching the case, and finding no grounds for the detention of said Cummings discharged him from Custody

[Signed] S Payran
Presdt of Ex Com

Attest Wm C Graham Secty

The People vs Wm Cummings } { Charged with Embezzlement August 13th 1851

Samuel A Snow *Sw*[*orn*] I know a man by the name of William Cummings is a Constable on the day of the June fire.

I asked him if he had saved any thing from Mary Green House in Jackson Street, he said he had saved two Sopha's but did not know where they were at that time, could not find the Carman that he had given them to, but supposed he would find him in a day or two, I enquired of him from day to day whether he had found them, he said he had not, I then gave it up and supposed that he had saved nothing but had merely said so, Some considerable time after Sherman who drives an Express Waggon called on me, and said that there were two Sopha's sold at Auction by Middleton & Smiley which he supposed were mine I went down to M & S.'s and enquired if they had sold two Sopha's and who had bought them, they said the Sopha's had been sent there and sold on account of William Cummings to Mr Noonan, I called on Mr Noonan, this afternoon and saw the Sopha's, and Noonan said that he had bought them of M & S. and they are the same Sopha's that Cummings said he saved from Mary Green's at the time of the fire the Sopha's are the property of Mary Green,

[Signed] S A Snow

John Middleton, We received an Invoice, of two Sopha's without a name, sometime after William Cummings came in and asked for an account sales of two Sopha's which he said had been sold on his account, we rendered the a/c Sales and paid him the nett proceeds some $15 this is all I know to the best of my knowledge and belief

[Signed] John Middleton

Mr Smiley States in addition to Mr Middleton that when the Carman brought the Sopha's I asked him who sent them he said Mr Cummings had sent them the statement made by Mr Middleton agrees with my knowledge

[Signed] Thomas J S Smiley

Asa Smith, *sw[orn]* I had my Team in the Street Jackson Street above Kearney St, at the time of the Fire in June, I saw William Cummings there, some persons asked me to take on the Sopha's I said throw them on, no one told me to take them any where Some young man followed me down into

Montgomery Street, I asked him where I should carry them, he said carry them to where they will be safe, I left the Sopha in the Street Corner of Summer Street and Montgomery Street till night, then I reloaded them and took them to my own House on Bush Street, they were at my House nearly a month, I saw Mr Cummings about a week after, I asked him if he knew to whom the Sopha's belonged he said he did, he asked where they were and I told him, he said he would call and see me, I advertised the Sopha in the *Herald*, three or four times, I paid four dollars for the Advg I saw Cummings three or four times he said he would call and see me, he did not seemed inclined to pay me or move the Sopha, finally I told him they were going to move the House and they must be moved he did not pay me for moving or advertising, I moved the Sopha at his instance, he told me to take them to an Auction, I took them to Middleton & Smiley, I delivered the Sopha's and told M & S, that Mr Cummings sent them to be sold on his account this is all that I know, I told Mr Cummings where I took them, I went to the Auction and inquired they told me that they had sold them and paid Cummings for them

[Signed] Asa Smith

Attest S Payran
Augt 13/51

Charles H Sherman *sw[orn]* I know William Cummings; I went to Mary Green's House I asked her if she had saved all her Furniture from the Fire, she said no, I then asked if Cummings was there on that day (the day of the June Fire) she said he was she said Cummings had told her, he had saved two Sopha's from the Fire, I told her all I knew about them this is all I know about it

[Signed] C H Sherman

Evidence in Case of Wm Lovegrove. Aug 17, 1851

Executive Chamber
August 17th 1851

In the Matter of Hiram W. Lovegrove charged with Larceny Your Committee report that they held the said Lovegrove in

[August 17, 1851]

custody for two days and examined him fully, as well as two respectable Witnesses, who know nothing against him, insomuch that M^r Burgin offered to become his surety for appearance before us at any time

Your Committee therefore discharged the said Lovegrove, taking the recognizance of M^r Burgin for his appearance

All of which they respectfully submit and ask for confirmation of their acts

[Signed] S Payran
Presdt of Ex Com

Attest W^m C Graham Secty

In the Matter of Hiram William Lovegrove

I am a native of Troy in the State of New York I am about 27 years of age, I left N York July 1st 1848 on board the barque *Tecumsch,* Captain Richmond by the way of Cape Horn, I left the Barque at Rio, and joined the Ship *Martha* Capt Joy we left Rio, and put back in distress, I applied to the consul and he advised me to get another ship, I shipped on board the *St Mary's* a Merchant Ship, Capt Hill, we sailed for San Francisco and arrived on May 1st 1849 after a passage of Ten Months, I then went to work at my Trade as a Confectioner for M^r Josephs in this City about one Month or six weeks, I then went to work in making Syrups for M^r Beaudry—I worked for him about two months, I then went to Cooking for the Cape Cod House I cooked about one month then I went up to Sacramento there I went to Cooking for the St Francis Hotel, two or three days—then I went to the Galt House I there cooked about three months I then went to the Woodcock for one day, then I went back to the Galt House there I remained about two weeks, then I went to the Rialto staid about one month I then went to R N Berry's, staid about two weeks, I then worked two or three days for a Baker, then I went to the Massisoit House and cooked about a month, I then went into business on my own account, for a short time, I then left Sacramento and came back to San Francisco in the Month of March 1851. I was out one night & was knocked down and robbed of my money about $300, I then went to work at the Commercial Res^t I worked there about three weeks, I then went to the Globe Hotel on Long Wharf I

[August 17, 1851]

worked there about five weeks altogether, I then went to work for Mr Tarbox a Carpenter, I worked for him about three days—I then worked for Mr Bucklin[?] a Carpenter about two days—then I went across the River to Contra Costa about the month of May just after the fire of May last I went up to the head of the Creek called Don Antonio, I went over with three Persons, and looked around for a vacant Claim, I found one and took possession, I came over to San F. & saw Mr Keefer, I bargained with him for some Lumber, he told me I could have it for $35 for the Lot, I bought it, I put up a little House about 8 by 10 ft, I then came over to S. F. Coming over I met Mr Keefer going over to Contra Costa, I then returned again to Contra Costa & took some goods over for a Neighbor a Mr Miller Mr Keefer came over sometime after we had some words, about the Lumber we have not come to a final settlement as yet, I went to the Embacadero & got calveshead & feet & Tripe made Jelly and sold it, I had a Boat I picked the Boat up, while I was at the Globe Hotel made her fast Stuck a notice up and nobody called for it, I lost the Boat, the Landlord gave me his Boat in return, I took it over with me and done my business in it, I had two other Boats, one Sunday I was coming over the Bay two men were blown out I brought them over they gave me the Boat and $10—and one other Boat I have been sick some of the time have gunned part of the time, dug a Well made a little Garden spot worked a day & a half for F. J. Keefer—all the property I have ever had is there still—at the time of the June Fire I worked at Whitney in Commercial Street

F. J. Keefer *sw[orn]* I have known Mr Lovegrove about a year, his statement is pretty nearly correct, I do not think that he designedly stole the Lumber—I never saw anything about his Premises that I thought was stolen, I came to the Committee at the instance of Mr Burgin

—Attest—

[*Cross Examination of*] *Lovegrove* I knew Mr Fuller at the Embacadero, I never took any Tallow from him, he gave me the Tallow I cleaned off the Guts

I never took a boat from a British Ship

I never carried away any Goods from San Francisco excepting my Clothes I had a piece of Carpeting which had been burned, I picked it up in the water

I have heard the statement of Prisoner Lovegrove, Testimony of Mr Keefer, and know nothing against Mr Lovegrove,

I would also go security for his appearing before the Committee at any time they may desire

[Signed] Stephen Burgun

August 15th Lovegrove is discharged to appear whenever required by the Committee

Evidence in Case of Aaron Gaenesburgh Aug 17. 1851

Executive Committee
Executive Chamber August 17th 1851

In the Matter of Aaron Gaenisborg, who stands charge with being a Convict, an aider and Abettor of Thieves

Your Committee respectfully state that they have examined the said Gaenisborg as well as Mrs Wilde, Patrick Wilde, and Sam Whittaker, and being fully satisfied that the said Gaenisborg is a dangerous man in our Community ordered and adjudged that the said Aaron depart this State on or before the 20th of this Month August (being the time that he had fixed for his own departure)

We further represent that the said Aaron Gaenisborg on the night of his appearance before your Committee was Contumaceous—and has since his discharge gone into the Interior, we are also of opinion that the said Gaenisborg has sent away much ill gotten property by his wife, who left some time since for the Colony

We would respectfully ask of you whether the proceedings of your Executive body, in passing judgment as above stated, should not be sustained

[Signed] S Payran
Presdt of Ex Com

Attest Wm C Graham Secty

Aaron Gainesborg, I am a native of Poland, I left Poland in 1833 I went to Hamburg Germany—I left Germany in 1834

I went to London, I left London in 1835, I went to South Australia, I went from Adelaide to Sydney—I never was a convict, and left South Australia with a good character my family have gone back and I am going on the 20th of this Month (August)

I know this man his name is Gainsborg a man by the name of Morris—who belonged to the 28th Regt in Bathurst Morris told me that he had done duty over Gainsborg in Irons—

Ordered that Aaron Gainsborg leave the City on or before the 20th August 1851 under Penalty of Death should he ever return—

[Annotated:] Referred back to the Ex Com

Aaron Gainsburgh—Born in Poland.—Left Poland in 1833—went to Germany & then to England.—Left England in 1834—Sailed in the ship *Haywood* from London to Adelaide & from thence to Sydney.—Resided in Sydney four or five years.—The *Haywood* was an Emigrant Ship—Went to Bathurst in 1839.—remained there until about two years since when I removed to California.—I have been in trade here since that time.—know many persons here from Sydney.—Does not know any of them to be Convicts.—Knew one John Smith here formerly who was a convict.—Knows Patrick Wild, who is also a Convict.—Purchased some land of Capt McCondray when I first arrived here for which I paid $2000—Mr Wild is not a man of truth—I Left England as an emigrant passenger & paid £20. for my passage.—Knows Mr Catton in this place—J. C. Catton, a broker.—He lives on Broadway next to Ohio—

I sent my wife away some time since to the Colonies I am going on the 20th

[Resignation of Nine Members]
[and Report on the Case of Patrick Wilde]

Executive Committee
August 17th 1851

In the matter of Patrick Wilde or Wise

Whereas by a resolution passed by your body clothing your

Executive with certain powers your Executive from expediency as well as by the power conferred upon them, transported said Patrick Wilde per Ship *Dorset*, with a copy of the sentence passed on him, which said proceedings were informally offered to your body, without a chance of that portion of the Executive who acted on it explaining to your body the reasons for so doing

Therefore the said Patrick Wilde has gone forth without any Documents being in the hands of the officer of the Ship and is liable to be thrown on this community—or perhaps will never be landed at the Port of Sydney—Such also is the case of Goff and as the acts of your Committee did not meet with your concurrence, they respectfully suggest the propriety of your Body appointing a special Committee for the Transportation of Convicts, better and more stringent means than those now in force by this Committee must be adopted or else our Country will be overrun by Robbers Murderers and Incendiaries, from all the Penal Colonies, already have we allowed several to land, or run from the Ships that lately arrived,

Your Committee have endeavored righteously to carry out the views of their Constituents, at a sacrifice of time patience and money, with no other view than the hope that thereby our City and State might be rendered secure, Nor have we at any time knowingly arrogated to ourselves power or authority not delegated to us by you

Whereas there seems to be some existing jealousy, for what cause we cannot imagine, and whereas the great and most painful duties have devolved upon a few of the Executive at all times, whereby some of that body not cognizant of all facts and circumstances, that transpire amongst them, may in themselves feel aggreived, by reason of not being acquainted with the whole minutiae, for which they are to blame

We would respectfully suggest the propriety of your body to select from amongst yourselves, good and true men, Gentlemen not less than thirty years of age, who are not creatures of passion, but cool and deliberate men who have families, who are bound by holy ties either here or at their former homes, free from immorality whereby their judgments might be warped, in this assembly of the People, in a word to select such persons as you may have confidence in, to fill the positions now occupied by us, we want no unjust jealousies to exist, but peace and harmony, thus far we have gone on as we hoped safely and honorably, and are ready and willing this night to give up the reins into other hands, and be relieved, we would desire an honorable issue to all our labors—if all orders from your Executive had been fully complied with there would not have been left one of the Gang afloat to night—

We trust Gentlemen that you will take this matter into deep consideration, and ere you adjourn pass on it to our relief

[Signed] S Payran
" G. W Ryckman
" W^m C Graham
" James B Huie
" George M Garwood
" G E Schenck
" Isaac Bluxome Jr
" J. C. L. Wadsworth
" A. J. Ellis

[*Report on Edwards and Osman*]

Executive Committee
August 17th 1851

Your Committee report that they have adopted measures (free of cost to this Committee) to have Edwards and Osman arrested at Mazatlan, the parties proceed by Steamer, it is supposed that a large amount of property is now in their possession belonging to our fellow Citizens, who have been robbed and ruined

[Signed] S Payran
Presdt of Ex Com

Attest W^m C Graham Secty

[*Report*]

Executive Chamber
Aug 17th 1851

In the matter of P. J. Barnes a Tinman, who is implicated by Whittaker with being a Convict

Your Committee respectfully present said P. J. Barnes for action, he was once brought by Byrnes before the Committee to prove the respectability of Burns—We think he should be ordered to quit

We also present [. . .] Ward the Partner of Crockstein implicated by Whittaker* as a convict

Also [. . .] Jones & Emma Jones his wife both convicts who arrived per *Mary Catherine,* also John Donnelly

Your Committee desire instructions from the General Committee.

[Signed] S Payran
Attest W^m^ C Graham Secty Presdt of Ex Com

[*Report on Mrs. Hogan*]

Executive Chamber
August 17th 1851

In the matter of Mary Ann Hogan who by her own confession and that of Sam Whittaker, stands charged as an accessory to the crimes committed by Whittaker and his associates,

We report that we allowed the said Mary to go at large, subject to our order whenever she may be called for

Your Committee respectfully suggest the propriety of sending the said Mary out of the Country at such time as we may be done with her as a witness

[Signed] S Payran
Attest Wm C Graham Secty Presdt of Ex Com

[*Report*]

Executive Chamber
August 17th 1851

Your Committee Respectfully call your attention to the matter of the three Sydney convicts who have been in custody for several weeks for Transportation, as well as to the man Hays—

They would suggest the propriety of appointing a Committee to ship them at the first opportunity

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[*] See p. 480. These men had been suspected, from the first days of the Committee (p. 28), but Ward was finally discharged (p. 614).

They would also call your attention to the imposition practised by the owners or Captains of Ships by whom the Committee were charged $100 a head for those shipped, the highest price charged for Steerage Passengers to the Colonies is $50—it was all that was asked or paid in the case of Wilde—The Prisoners in charge for transportation have already cost the Committee more than their Passage money would amount to for feeding, and are a great charge on your Committee otherwise

[Signed] S Payran
Presdt of Ex Com

Attest W^{m} C. Graham Secty

[*Order for Ryan to Leave the State*]

Executive Committee

Ryan August 17th 1851

You are hereby commanded to depart the State of California within ten days from the date hereof otherwise you will be brought before the Committee of Vigilence and dealt with agreeably to such measures as they may in their wisdom adopt

Done by order of the Executive
Committee of Vigilance of San
Francisco

[Signed] S Payran

Attest W^{m} C Graham Secty

Mr Nugent Ed^{t} of Herald. Aug 17, 1851

Herald Office
Aug 17. 1851—4½ O'C

Mr Nugent will feel obliged if the gentlemen of the Executive Committee will cause a copy of Whittakers Confession to be furnished him if it be designed that it should appear in the *Herald* as well as in the other papers—He is informed that every other paper has been already furnished—

Executive Committee of Com of Vigilance

[*Evidence of Thomas Plunkett, Case of John Donnelly*]

Thomas Plunkett *sworn*—I know John Donnolly I have known him 4 or 5 years—he lived near me in Sydney—A robbery was committed he was taken tried for the offence & was sentenced for 2 years—My Daughter was obliged to go and testify in the case she having seen him in the act of moving the chest—The Serg't of Police told me that there were 29 inditemants against him in 12 m's. I have always understood this man was a convict—

[Signed] Tho^s Plunkett

[*Evidence of George Patterson*]

George Patterson— Am an Irishman have lived in San Francisco for the last 2 years I do not know Thomas Quick nor Swan nor Hughes—I was in the House of Mr Yates when a watch from a man (whom I do not know) to Mr Yates—The man wanted to sell the watch to Mr Yates I do not know Mr Parbut a lawyer—I was never at the house of Mr Yates except two or three times—do not know Mrs Quick—dont know Osman, Jack Edwards—Belcher Kay—Teddy M^c Cormick I have seen Whitaker—I kept a Public House in Dupont St between Broadway & Valejo Sts—

his
George X Patterson
mark

Attest I Bluxome Jr
San Francisco August 17. 1851

[*Report on passengers of the Ship Robert Bowne*[1]]

Gentlemen of Executive Committee

Messrs We have not been able to conclude the examination to night consequently have sent those on shore that are convicts thus far discovered. The Bearer N^o 114 [J. G. McKaraker] will hand this, with the men and return with the Boat I shall not require any more guard until I see you

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[1] The *Robert Bowne*, Captain Cameron, from Sydney, arrived at San Francisco, August 16, with 169 passengers (*S. F. Herald*, August 18). The report of the committee of inspection covered at least 114 names, but it is so illegible, from discoloration, that it is impossible to decipher it in full. Five passengers, identified as ex-convicts, were taken to headquarters for further examination, and two of them, Alderson and Roach, were finally deported. (See p. 573.) The names listed in brackets, were crossed out.

Respectfully
[Signed] W H Clarke

[Addressed:] To the Members of Executive Committee

Capt Clarke please send the Men as per names below to Committee Room for further examination—

Wm Alderson sent ashore 114 [J. G. McKaraker]
[Jas Grimshaw]
L. Higgins Sent ashore 114
Pat Karvin
[Edw^{d} Laby]
Jas Roach sent ashore 114
[Edw^{d} Smith]
Michael Slatterly (Acquainted with Quick) sent ashore 114
Jas Webb Sent ashore 114

Names of persons sent from the Ship Robert Bowne on Sunday evening last. Augt 17. 1851.

Wm Alderson
L. Higgins
James Rouch
Michl Slatterly
James Webb.
} per Boat *Typhoone*—

MONDAY, AUGUST 18, 1851

MISCELLANEOUS PAPERS

[*Order for Thomas and Emma Jones to Leave the State*]

Thomas Jones &
Emma Jones

You are requested by the Committee of Vigilance to make ready and leave the State of California within thirty days days from date hereof, and that without fail

Done by order of the Executive
August 18th 1851
S Payran
Presdt of Ex C

Attest W^m C Graham
Secty Ex. Com.

[Addressed:]
Mr Thomas Jones
At Pattersons Shipping Office Pacific St

[*Further examinations of Whittaker*]

Executive Rooms Aug 18th ½ past 7 P. M.

Saml Whittaker: farther examination

Irish Jimmy was the man that shot at Britton Jones is a tall good looking man used to resort among the Spanish dance houses—Whittaker knows Alderson one of the men from the ship *Robert Bowne.* Alderson is a butcher carried on business at Maitlaind he is a man of considerable property. Whittaker says he is a good man, bore a good character in Maitland. thinks he (M) was transported some years since—was a good man to all the poor people where he lived. has a wife and a small farm in Maitland—*Whittaker brought before William Stuart Testifys as follows* this man now before me is the man to whom I referred in my statement before*—I have heard of your being called Billy Sweet Chees[e]—the first time I saw you was at Bryant Hotel—you were playing at Whist for Campagne—I have seen you at your own house the United States House—I was at your house at a sale at auction—and the next time to the best of my recollection was at Mrs Hogans it might have been two or three times that I saw you at Mrs Hogans—I did not speak to you either time—I first heard you called Billy Sweet Cheese when I first saw you at Mrs Hogans—I heard Mrs Hogan say that she heard you had set fire to the U S Hotel The girls used to call you Sweet Cheese—

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*See p. 477.

Aug 18—/51—Evening Session

Whittaker & McKenzie present—McKenzie knows Dick Terrel, from Mobile is now at the North fork of Salmon Mines—Terrel shot a man in Pacific street named William Nowlan, keeper of a house in Jackson street, as I believe—he shot him about a woman that had been stabbed about jealousy, about last Christmas.—Knows John Purcell very well—

Whittaker knows that Hughs gave Purcell money to suppress evidence in the case of the robbery in Pacific street. Knows this from Hughes and believe it to be true. Purcell was a busy medling fellow and we all knew that money would keep him quiet. —Knows Burdue—he was a convict & was assigned to Windreds uncle.

Whittaker's last Examination August 18th

I know Yates I believe that he would do anything, I should say the woman Yates is a convict, Yates has prostituted his wife, and a man that would do so, would do anything,

Morris Morgan, Osman, these two men talked of going to Mazatlan this long time, it is said that Morgan took the whole of the Jewellry taken in Dupont Street away with him—

These men have also got Mrs Hogan Jewellery which they stole, it consists of Goldchains, Watches &c about five hundred dollars in value, there was a sett of Diamond Studs said to have cost 60£, it is said Briggs & Gregory effected this Robbery—

Aug 18—/51—Evening Session—

[*Letter from Thomas Davis*]

San Francisco Aug 18th 1851

To the Gentlemen, Members of the Vigilance of the city of San Francisco

I see Gentlemen by the city papers of this morning that Samuel Whitaker now in custody of your body has implicated me in the confession which he made before you

That charge I *most solemnly* Declare to be totally and entirely false and without any foundation in fact—of that I am sure I can fully and entirely convince your body at any time when you will favour me with a hearing, This hearing I am anxious to to have to the end that I may vindicate my character in in the eyes of my fellow citizens and all honest [men]

I can be found in a Saloon in Merchant Street next door to the Pasly cooks Shop

I am Gent
Yours Respty
[Signed] Thos Davis[1]

[Addressed:]

To The Members of the Vigilance Committee of San Francisco

[*Letter from A Lover of Justice*]

Monterey Aug 18/51

Gentleman

Among the passengers in the English ship *President*[2] now in this port for your city, are several men who are or have been *convicts* in Van Diemans Land, some have left here, the remainder are on board, to whom I would respectfully invite your attention.

One of them is one of the *Cabin* passengers by the name of *Robinson.*

A Lover of Justice.

[*Report from G. M. Garwood*]

Judge Blackburn, A member of the Vigilant Committee, reports he has a friend who owns a Brig in this harbor and offers the Same Brig for the use of the Committee—He will if necessary have the vessel hauled in close to the shore at any point the Committee may desire—

[Signed] George M Garwood

August 18th 51

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[1] See p. 484.

[2] The *President*, Captain Thomas, from Launceston, was reported in the *S. F. Herald* as arriving August 21. W. H. Clarke reported favorably on fourteen passengers, and added: "Mr. G. Robinson came with me to the room, saw Mr. G. Mellus. Will come at any time when sent for to his store on Jackson St. near Battery—has a large quantity of cargo on board ship to land here." See also p. 459.

[*Statements of Daniel Kenniff and Auguste Loissare*]

Ex. Vig. Com. Room, Aug 18/51

Daniel Kenniff, a member of the Vigilance Committee, No 645.—Was formerly a Police officer. On the night of the 2d Tuesday of April, 1851, lived on Pacific street.— That night my house was opened by false keys or some other instrument.—From my room was taken a single brass barreled Pistol—between four & five dollars in money—a small bone whistle & a walking stick.—From the room of my Sister in law, from four to five hundred dollars in money—a diamond stud—2 plain gold studs valued at $100—one or two finger rings—two bracelets, one entirely of gold and the other of hair with a gold clasp—to one of the bracelets is attached a small locket in which is either the likeness or the hair of the grand Mother & the grand child also a gold belt buckle—gold cross, large size—Several breast pins and several deguarreotypes—one of my wife & child—one of my Mother—one of my sister and one of my sister-in law with her sisters child.—I know Earl very well indeed—have done work for him.— Know Jack Arrentrue—had an interview with him this morning, and enquired of him if he had a hand in robbing me of the above named property, or if he knew who had.—Arrentrue denied any personal knowledge of this robbery, but advised me *to have Earls trunks examined* this afternoon and told me that he thought the trunks of Earl could be found in a house in Stockton Street, near North Beach—The house is kept by a Scotchman, on the left hand side of the street—there is a load of bricks dumped before the door.— Arrentrue said Earl had proved himself a great liar, and that if Earls trunks were not found at the house of the Scotchman on Stockton street he would take me to where they could be found—he would go with me tonight, as he did not like to go out in the day time in consequence of his face being so badly bruised at the fight he had on Saturday night on Dupont street—

Mr Kenniff , *re-examined.* Has called at the house of the Scotchman on Stockton st. his name is Williams—Arrentrue has since told me this is the house in which Earls trunks are—he, Arrentrue is willing to go with some members of the Com.

of Vig. and show where these trunks are & will assist in the examination of the trunks.

August Loissare, born in France--38 years of age, left Havre on the fourth Sept. 1850, in the ship *Louise,* Capt Fatome—arrived in San Francisco on the 6th Feb. last. Three weeks after his arrival he left for the Northern Mines—worked at Tolls Diggins four months, thirty four miles from Marysville. Was robbed in this city, about four weeks since of one hundred & forty dollars in gold dust—was stopping at Desclas house in Sacramento street, above Kearney. Knows the man that man that robbed him—his name is Louis Vernet—Vernet left immediately after the robbery & is now [at] Bidwells Bar—learned this fact within the last two days. Prays the Vigilance Committee to send this information to the Com. of Vig. of Marysville and that they have the said Vernet sent to S. F. for trial.

[Signed] Auguste Loissare
San Francisco, Aug. 18, 1851.

TUESDAY, AUGUST 19, 1851

MINUTES

[Minutes of Executive Committee August 19, 1851]

San Francisco Aug 19/51
Executive Session

Members present S Payran G E Schenck T J L Smiley J B Huie J C F Wadsworth Mc Cahill Ellis Curtis Gorham Garwood Oakes F A Wordsworth Ryckman.

A motion was made that Mr Spence be requested to resign—which was carried[1]

Minutes of Genl Com Aug 19, 1851

Minutes of General Meeting August 19. 1851

Mr Selim Woodworth in the Chair

Reports from Ex Com in the Case of Jenks delivered into the Hands of this Com by the Com of Stockton, *discharged*

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[1] See p. 552.

[August 19, 1851]

Report of Ex Com in the Case of Ship *Robert Bowne*

Reports of Ex Com all excepted

On motion of Mr Argenti

That the Com meet at the room at 8 o'clock to morrow morning[2]—

Mr Ward

That the final arrangements be left to the Ex Com

Van Bocklyn

That the Roll be called at the meeting on to-morrow morning

Van Bocklyn

That all those persons who have not paid their dues be compelled to remain in the room as a guard tonight—

MISCELLANEOUS PAPERS

[*Case of Daniel Jenks of Jacksonville*]

Executive Chamber August 19th 1851

In the Matter of Jenks a Prisoner placed in our hands by the Stockton Committee

Your Committee report that they have discharged said Jenks from Custody at the instance of said Committee

all of which is here respectfully reported

[Signed] S Payran
Presdt of Ex Com

G. W. Ryckman
Sec pro-tem

San Francisco Aug 10/51

Mr Daniel Jenks. A New Englander by birth has committed a robbery in Jacksonville—this man Jenks stole of Wm Read

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[2] This was in anticipation of the execution of Whittaker and McKenzie, who were to be hung on the next morning, from the yard arm of a vessel near the shore. The plans of the Committee were frustrated by the personal intervention of Governor McDougal, who procured a warrant for the arrest of the two men, and superintended its service by Sheriff Hays and his deputy, about four o'clock on Wednesday morning. See pp. 528–541.

Eleven Hundred Dollars, which he Jenks says has been returned
This Man Jenks confesses the crime

[Signed] Geo H Sanderson
Prest. Stockton Vig. Committee

[Addressed:]
Executive Comtte

Geo H Buttress, Thos Sayres, & Wm Shaw. Jacksonville
Aug 7. 1851

Jacksonville August 17th 1851

Gentlemen

The task has devolved upon us of collecting and transmitting to you evidence in the case of Daniel Jenks at present in your custody and accused of stealing gold dust to the amount of one thousand dollars from Messrs Wm B. and John Reed of this camp.— We have to the best of our ability discharged that duty.

During the examination of the witnesses they were cross examined by Chas S[?] Randall Esq a practising attorney of this place, whom we appointed as counsel for the accused. The evidence of the principal witness was given with great reluctance. You will perceive by referring to it that he positively refused to answer any question that would criminate the prisoner. The evidence however in our opinion fully establishes his guilt; Such is also the opinion of the meeting, which was composed of our most intelligent and respectable citizens; men who deeply deplore the necessity that the ineficiency of our regular constituted courts has compelled them to act in the manner in which they have done. But remembering the time when even in our large camps it was necessary to sleep with the deadly weapons by our side, and knowing that we have in our midst a lot of worthless vagabonds, whom nothing but the fear of speedy punishment restrains from preying upon the honest portion of the community. They consider that it is highly necessary when a criminal is detected that justice should be meted out to him, let him belong to whatever clime he may. Two of us Thos Sayres[?] and Geo H Buttress with all respect beg to state that we have been acquainted

[August 19, 1851]

with the culprit, and know him to have been industrious and sober, and, until his recent crime honest.

While we regret the cause that renders it necessary, we cannot conclude this communication, gentlemen, without expressing our satisfaction of the benefits you have confered upon the community at large by your patriotic exertions in ridding our infant state of the villains that infest it, and trust that the time will speedily arrive when there will no longer be any necessity for your self imposed and irksome task we subscribe ourselves gentlemen

Your obedt Servt^s^
[Signed] Geo^e^ H Buttress
" Thos Sayne [Sayre?]
" William Shaw

To the Committee of Vigilance
San Francisco
[Addressed:]
The Vigilance Committee
San Francisco

The committee appointed by a meeting of the citizens of Jacksonville on Sunday August the 17th 1851 for the purpose of taking the testimony in the case of Daniel Jenks accused of stealing gold dust to the amount of one thousand dollars and upwards—Report the following evidence as taken *verbatim*

W^m^ B Reed Sworn "Do not know whether M^r^ Jenks stole my money or not"—"Could not recognise the money again."—"Found the money"—(Declines answering if he obtained the money from Jenks)—"Whoever I got the money from, I made a private bargain not to make it known"—"If the prisoner were in the hands of the proper authorities I would not decline giving the proper answer"—"My money was stolen from me"—"All the money was returned to me, except a few dollars"—"I found the money"—"The man that had it gave it back to me"—"I decline answering if M^r^ Jenks gave it to me."—"M^r^ Jenks has been with me"—"never knew him to act dishonestly"—"Knew him at home"—(Question) (*Did you not admit to other persons that you recovered the money of M^r^ Jenks?*) "(*Answer*) "Do not know that I did"—"Might have mentioned it.—I recommended the party who stole my money to go home"—"Have known M^r Jenks since he was a boy"—"Have never knew a dishonest act in him." "Has always maintained a good character at home."—"Do not suspect him of any crime"—"Would trust him as quick as any man" I know of"—"I decline answering who I got the money from."—"I pledged myself to the man that I got the money from "not to divulge who I obtained it from"—"He said he would write to me if he went home"—"I blame the man who took the money but do not think it would do him any good to punish him"—

John Reed Sworn "At the conclusion of the meeting at which M^r Kewen addressed the citisens, "I went home and found my money gone"—"Does not know who took my money only what W^m Reed told me"—(*Question*) *"Who did M^r W^m Reed inform you had taken your money?"* (*Objected to by counsel and ruled out*) "I was alone when the money was taken"—"I am not aware that M^r Jenks paid the money over to M^r Reed"—"I have known M^r Jenks since February 1849"—"Did entertain a high opinion of his character. I think his object in stealing the money was to make a display when he got home." "Do not now entertain a high opinion of his character"—"M^r Jenks left Jacksonville a week ago last thursday"—"lost my money on the 10th of July"—"Was not in partnership with M^r W^m Reed, our money was deposited in the same tent but not in the same place"—"M^r Jenks knew where it was deposited—"I have suspicion that M^r Jenks stole it"—"I would not trust him at all"—"I believe M^r Jenks stole my money"—"My belief rests upon having suspicions previously, and his giving up my stolen property"—"Do not know that he gave it up but was told so"—"Would have had suspicions of Jenks even if he had not given up the money"—"From his conduct and knowledge of the place where it was concealed"—"W^m Reed gave me back my money"—"I have stated in public that I had not any suspicions of M^r Jenks"—"I could not identify any of the dust that was returned to me as being a part of that stolen from me.

Edward La Favour Sworn "Do not know much about it"—"M^r Jenks has tented with me, I have known him from childhood"—"Would not suspect him of stealing"—"Have known him to have the opportunity of taking from $100. to 3 or $4000.00. at home." "I never knew him to commit a dishonest act"—"Could not swear that he took the money"—"Should think it was as likely that either of the two M^r Reeds or myself would have stolen the money as Jenks—"Have worked with him and taken out from one to two hundred dollars per day"—"Never missed any to my knowledge"—"Would be willing to trust M^r Jenks the same as heretofore"—"The reason of the alteration in the friendship between M^r Jenks and myself was I suppose that we were suspicious of each other"—"Do not know that the M^r Jenks arrested in San Francisco is the Daniel Jenks that resided in Jacksonville"—"M^r Reed told me that he got his money"—Do not know whether he got it or not."—

Paul Niles *Sworn* "Dont know much about it"—"Know M^r Jenks"—"Accompanied M^r Reed in pusuit of M^r Jenks.—"Followed within a few feet"—"There was some private conversation between M^r Reed and Jenks"—"I concluded that my presence was not wanting"—"He was owing me fifty dollars"—"I preferred waiting until M^r Reed got through with him before I settled my business"—"The cause of myself and M^r Reed following him was we thought that he was going to leave"—"My object was to prevent his leaving until he paid me"—"Knew him to have been owing M^r T Reed borrowed money"—"Have known him since he was a boy"—"Have known him to have three or four hundred dollars belonging to the company"—"Never knew him to act dishonest"—"Overtook M^r Jenks at Smarts garden"—"Was withing hearing"—"Could not hear the conversation"—"My bill was paid by M^r W^m Reed on the same day"—"Was told that M^r Reed lost money"—"I did express an opinion that Jenks took it"—"Heard nothing to that effect between M^r Reed and Jenks"—"Was aware that Messrs W^m and John Reed, La Favour, and Jenks tented together—

Samuel B Kingsly *Sworn* "Do not know much about it"—"Left this place last Friday a week ago"—"arrived in Stockton on the next day about 4 o'clock"—"Soon after my arrival. I saw M^r Jenks come in in the mail stage"—"He went to the post office and then on board of the steamer *Jenny Lind*"—"Before he got on the steamer I informed one of the vigillance committee of his arrival"—"The reason why I informed the committee was from the reports that he had stole gold"—"He confessed to one of the vigilance committee of Stockton that he stole over a thousand dollars"—"He also confessed to one of the San Francisco vigilance committee that he stole it"—"I am a member of the vigilance committee" "Have the gentlemans word that he confessed it"—"The gentleman is a merchant of Stockton"—"I was instrumental in the arrest of M^r^ Jenks"—"Have known M^r^ Jenks for a number of months"—"Never knew nothing against him"—"Never had an intimate acquaintance with him"—"Suppose that his object in stealing the gold was gain"—"From the acquaintance that I had with him I would not suspect him"—"I would have trusted him had I been in partnership with him"—"I am positive that the person arrested by my influence is the same person who resided in Jacksonville by the name of Daniel Jenks"—"The information that I have received establishes the belief in my mind that he has acknowledged to the vigilance committee of San Francisco stealing the gold"

M^r^ W^m^ Reed Recalled I lost $600.00. John Reed lost two pounds of dust

[Signed] Geo^e^ H Buttress }
" Tho^s^ Sayne } Committee Appointed to collect evidence
" William Shaw }

I certify that the foregoing is a true copy of the evidence delivered upon examination of the several witnesses.

[Signed] Geo^e^ H Buttress
Sec^y.^ Committee

Sworn before me this the 17^th^ day of August 1851
Jacksonville

[Signed] B Pike
Justice of the Peace
Jacksonville

At a meeting of the citisens of Jacksonville held on the morning of Sunday the 17^th^ of August it was *Resolved*

That a committee of three be appointed to take evidence of witnesses in the case of Daniel Jenks accused of stealing gold dust from Messrs W^m^ B & John Reed. and transmit the same to the committee of vigilance of San Francisco, requesting them to act upon it in punishing the prisoner at their discretion.

The following persons were chosen said committee vis Thos Sayres. William Shaw. and Geo^e H Buttress.

At an adjourned meeting held in M^r Keye's store on the evening of the seventeenth of August after hearing the report of the committee it was *Resolved*

"That we adjudge Daniel Jenks guilty of the crime of which he stands accused."—There being but one person voting in the negative.

It was also *Resolved*

"That we would *suggest* to the committee of Vigilance of San Francisco that they administer the amount of fifty lashes upon the bare back to the said Daniel Jenks, and that they send him out of the country; leaving it however entirely to their own discretion in the amount of punishment to be awarded." Also

Resolved "That the thanks of this meeting be tendered to M^r Hyer of San Francisco and the vigilance committees of San Francisco and Stockton for the active part that they have taken in bringing the said Dan^l Jenks to justice."

We the committee appointed to collect and transmit the foregoing evidence to the committee of vigilance of San Francisco, hereby declare our confidence in the integrity of the above committee of vigilance and would suggest that they *use their own discretion in the amount of punishment awarded to the culprit.* It being our opinion that in consideration of the youth and previous good character of the accused; his bodily weakness; and in all probability his first offence; that the amount of punishment suggested by the citisens of this camp is too severe

[Signed] Tho^s Sayne
" William Shaw
" Geo^e H Buttress

Stockton Aug 17/51

To The Vigilence Committee of San Francisco

Gentlemen At a meeting of the Vigilence Committee of this City held on the evening of the 15^th Aug. A Motion was made and passed that we recommend you to release the prisoner Jenks provided he is not wanted in Jacksonville and that you advise him to Leave the country immediately on sight

Yours &c
[Signed] C. G. Sharps.
Sect. Stockton V. C.

[Addressed:]
Secretary of Sanfrancisco Vigilence Committee
[Endorsed:] Jenks Discharged Aug^t 19 1851
[Signed] S Payran

Names of Convicts from Ship Robert Bowne with Report of Ex Com. August 18, 1851

In the Matter of Ship *Robert Bowne* of Sydney which arrived on Sunday the 17th

Your Committee report that they detailed a guard and Examiners who reported the following Persons as Convicts

James Webb.	36.—
William Alderson	39
Michael Slattery	35
James Roach	37
Lawrence Higgins	69

whom they sent into our custody, your committee re examined said Prisoners and found Michael Slattery was not a Convict and therefore discharged him the others are in custody for shipment they have also had the Capt before them and ordered that he & Consigners must pay for trans Shipment

[Signed] S Payran
Presdt of Ex Com

G. W. Ryckman
Sec pro-tem

List of Men sent from Ship *Robert Bowne* from Sydney August 18th 1851, said to be convicts

James Webb—36 Yr^s of age Transported for throwing a Marling Spike at a Leiut of one of her Majesty Ship—has a wife on Board

William Alderson, 39 Years of age Transported for Street Robbery in Manchester—14 Years

[Michael Slattery—35 Says he is not a Convict—*Discharged*[8]]

James Roach 37—Native of Ireland Transported for Riot, 7 years

Lawrence Higgins 69—32 years in the Colonies—I was transported for being a United Irishman

[*Petition on behalf of William Alderson*]

Ship *Robert Bowne* 19th August 1851

To the Worshipful the members of the Vigilance Committee

We the undersigned Captain, Officers, and passengers of the ship *Robert Bowne* taking into our consideration the good character and general good conduct of William Alderson a passenger by the same ship and now in the hands of the Vigilance Committee do most especially recommend them to your worships consideration, Some of us have known him for a number of years and to our own knowledge he has always led a respectable, honest, sober, quiet life haveing left a good business in Maitland New, South, Wales, being in fact a most industrious man and always considered by the Gentry of New South Wales a good citizen.

So for your Worships Most Merciful consideration We humbly Pray

[Signed] W Cameron, Master
" J S Curtis Chief Officer
" Avery E Parker 2d Officer
" W. F. Studley cabin passenger
" J. A. Kirkpatrick Surgeon
" W G Blyth Cabin passenger
" George M Kay
" Michael Kaley
[Signed] Steerage passengers

E Slooke
Patrick Kinwan
Malachy Cavanagh

David P Thayer
John Kilpatrick
John Power

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[8] The words enclosed in brackets have been crossed out.

Lewis West
George Bololin
Harry Beal
John Holt
Charles Willen
J Noble
W Robinson
James Hughes

[Annotated:] Warranter for signatures W H Clarke
Chief Water Police

Statement of Wm Clay and report of Executive Committee

Executive Committee
August 19th 1851

In the Matter of William Clay implicated by Samuel Whittaker with being a Thief, as well as a Convict from the Colony[4]

Your Committee report that they have said William Clay brought before them and find that the report of said Whittaker is true, and detailed Mr Oakley as a committee to close up the business of said Clay, all of which is being done

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman
Sec. pro-tem

William Clay I was born in Nottingham England—sailed from Eng for Sydney in *Marquis of Huntley the 4th*—Capt Alohen—She was a convict ship—I was transported for 7 years —*for tearing canvass* I arrived at Sydney in July 1835 served out 7 years—I was assigned to Peter Mc Intyre, I left Sydney in the ship *Union* Capt Causer, and arrived here S. F. in the month of June 1850, I went to carrying the Hod, I lived in a place of my own in Happy Valley—carried the Hod three or four days—knocked up by sickness—sick five months, my wife took care of me, my wife left me two months ago, and is now [in] Sacramento I was keeping a Groggery on Montgomery Street near Bush Street kept it one month, Mrs Williams came to my house Mrs Murphy—Sam Whittaker came once I bought my Liquor of Mc Donnell, I knew Mc Cormick & Whittaker who lived in Jackson Street—my wife and another woman went out to buy Bonnetts, they went to the Port Phillip House got drunk and left their Bonnets behind—she sent me for the Bonnet I went after it, (*Whittaker brought in and confronted with Clay—*)

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[4] See p. 481.

Whittaker states that Clay came to my House occasionally—he came many times during the time I kept the House Clay's wife was not in the habit of visiting my House I do not know that she came more than once, she came to Drink, he associated with Bluey Jake Bradley—they played the Gaitu game, he is a thief by reputation

Ordered that Clay be sent out of the Country—that a committee be appointed to take charge of his assets and close them out

[*Letter from Mr. Payran*]

To Executive Committee of Vigilence

Gent I am summoned to appear before the Superior Court in the case of Metcalf & Argenti, I therefore cannot be with you till Evening I am also much indisposed

Most Obd servt
[Signed] S Payran

Aug 19/51
[Addressed:]
Executive Committee of Committee of Vigilence
Present

[*Instructions to J. W. Cartwright for the Arrest of Turner*]

Mr Cartwright

You are hereby authorized and instructed to proceed with Mr Robart to Benicia & Martinez, and arrest a man known by the names of *Turner, Tanner,* or Thomas Quick, who is suspected of Robbery and have him before this Committee, also to take possession of any Jewellery, Diamonds, Watches, Precious Stone, Gold Specimen or any other property believed to be stolen, also all Tools and implements used for effecting robberies, and report to this Committee how you have executed the order

Done by order of the Executive
August 19 1851

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman
Sec. pro-tem.

[Addressed:]
M^r Cartwright
Present

Stephen Payran to Philip A Roach Aug. 19, 1851

Executive Chamber Committee of Vigilance
San Francisco 19^th Aug^st 1851

Philip A Roach Es^qr

Dear Sir, Your letter of the 16^th In^st tendering your resignation as a member of the Committee of Vigilance, has been duly received and laid before the General Committee—The following is the result of their action thereon.

Resolved that the resignation of Mr P. A. Roach be laid upon the table and that leave of absence be hereby granted him with a remission of fines and dues during his absence from San Francisco—

I have the honor to be
Very Respectfully Yours
[Signed] Stephen Payran
Presdt of Ex Com

Attest G. W. Ryckman,
Sec pro-tem

[Addressed:]
Philip A Roach Esq
San Francisco

[*Statement of Peter Thompson*]

Aug 19^th 1851

Peter Thompson N^o 312 north west Cor of Front of Pacific St I have seen W^m Gregory—I know now who he is from the description Whittaker gives of him Gregory was asked by a carman this morning why 'aint you off, they are looking for you The carman is called Boston and when he spoke to Gregory he called him by name. Gregory was intoxicated at the time and replied I do not care much Gregory had just come down from the mines had a carpet bag with him, after this I heard the carman took Gregory to Tip Doyles house, corner of Broadway & Battery Sts and gave him one dollar. Gregory I saw on horseback this afternoon, first on a white horse and afterwards on a black horse. he was very drunk when I saw him on horseback. This is all I know about the man—

[Signed] Peter Thompson

John Olligin

Came in the Bark *Heber* from Baltimore dont Remember Capt. name 3 yrs in Country was 10 m in the mines, 7 months in town since I left the mines been working Round of ships for Johnson Eadon

Never saw the man that I was arrested with until to day—he asked me to go to ride with him to the Mission—I borrowed my coat from Duffey keeps a bar at the corner of Cuningham wharf and battery street—and started for the Mission about 4 O.'clock this afternoon[5]

[Attest] Samuel Brannan

[*Case of McKenzie and Whittaker Police Orders*]

Chief of Police

You are requested to select such Guard as you think sufficient to proceed with the Prisoners to such place of security as you may have adopted, and there hold them for Execution agreeably to order of Executive hereunto attached

Done by order of Executive[6]

August 19th 1851

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[5] On the afternoon of August 19, Brannan caused the arrest of John Olligin and W. L. Harding, on suspicion of their being connected with the murder of a man whose body was found on the road to the Mission. Both were finally discharged. See p. 578.

[6] The order to the chief of police is in Payran's handwriting (see also p. 535) and attached to it is the schedule of action, made out by Isaac Bluxome. The authorities seized the prisoners before the removal was accomplished.

[*Schedule*]

1 That the Chief of Police detail a Guard of good and true men, well armed, to be on board of the ship to superintend and carry out the objects of the Committee of Vigilance, as the Committee approach the scene of execution the waving of an Handkerchief shall be the signal

2. Ordered that the tolling of the Bell shall take place at ½ past 8 o'clock A M of the morning of the 20th of August 1851 and continue until after the execution

3. Ordered—That the Clergyman be allowed to proceed on Board from Market Street wharf at ¼ before 8 o'clock A M—to remain with Prisoners until after Execution

4. Ordered—That the Bodies be exposed at the Yard Arms for one hour and not to be allowed to be cut down

5. The water signal shall be the hoisting of a signal and firing a gun on the tolling of the Bell

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WEDNESDAY, AUGUST 20, 1851

MINUTES

Minutes of the Executive Committee held on Wednesday August 20th

Members present J. C. L. Wadsworth in the Chair G. A Schenck C H Brindley Jas F. Curtis George M Garwood

Communication from Edwin Gates dated Santa Clara August 17th 1851 Moved to lay over for action at the next meeting

On motion Adjourned

[Signed] Geo M. Garwood
Secty pro. tem.

Minutes of Special Meeting [of General Committee] Aug 19, [20] 1851

Minutes of Special Meeting 8, A M August 20. 1851

Col Stephenson in the Chair

Mr Petrowitch chairman of Prison Com reported that the Prisoners taken from the Committee are now in the County Goal in cell No 5

On motion of Mr Hart

Resolved that a Committee of 5 be appointed to investigate the charges prefered against the Guard on duty last night in the matter of the capture of the prisoners Whitaker & M^c Kenzie and the said Committee shall have power to send for persons & papers The following are the committee Mr Hart Mr C V Gillespie Dr Stout Mr Brannan Capt H S Brown– Col Stephenson

On motion Mr John Egan

Resolved That the Chief of Police be suspended from duty until after the decision of the Committee of 5—

Adjourned to meet at 4 P M

[Signed] Isaac Bluxome Jr
Secretary

[*Resolved* that this Com proceed en masse & to the Prison and take from the Authorities the Prisoners taken from us last night. laid on the table[1]]

Minutes of Special Meeting [*of General Committee*]
Aug. 19. [*20*] *1851*

Minutes of Special Meeting 4 P M Aug 20/51

Mr Selim Woodworth in the chair

Report of the Special Committee appointed to investigate the matter of the guard on duty on the morning of the 19th [20th] and to whom this Committee are indebted for the rescue of the two prisoners Whitaker & M^{c}Kenzie— report accepted & placed on file

Letter was received from Mess Flint Peabody & Co enclosing 100$— Ordered That a letter of thanks be sent to the Gent–

Mr Van Bocklen was elected Chief of Police

On motion Mr Higgins

Resolved that the Chief of Police keep a constant guard of 20 men over the 2 prisoners arrested by the sheriff of the county

Resignation of J W Salmon & H D Evans accepted

On motion Cha^s A Poor

Resolved That the sentance of Death pronounced on the two men Whitaker & M^c Kenzie still remains in full force and that all necessary means shall be resorted to, to obtain possession of those men & when taken that they shall meet the punishment due their crimes as the voice of the people demands it

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[1] From a draft of the Minutes.

On motion Dr Stout

Resolved, That any member who may be found guilty of stating any matters or transactions that take place within the walls of the Vigilance Com shall be expelled from this body—and the person so offending shall be published in all the City papers

[Signed] Isaac Bluxome Jr
Secretary

MISCELLANEOUS PAPERS.

[*Resolution*]

We call on you for instructions, is it necessary to carry out any further measures, when we are intimidated by a few poor seniles in office, so much so as to allow our dispensations to be carried out, which they have so long refused to do—

Had we not better, write to our correspondents and say. that the Servants are Superior to their Masters, and allow the rogues to go unhung—and cut loose the shackles of those in our power and permit them to go at large—why detain them here, why expend our time and money on them,—when we (the People) are afraid of the puny & insignificant powers whom we have placed in office

I would move that all should be released and sent forth to destroy all our labors, by fire & murder—or to at once rouse our City to Action, and show who has the Supremacy[1]

[Annotated:] laid on table Aug 19 [20] 1851

[On the back of the sheet, as if to begin a letter, appears the following:]

J. C. Hays
Sheriff Sir,

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[1] This resolution is in Payran's handwriting. It is to be noted that the secretary, Bluxome, endorsed several of the day's documents "August 19," although the headings of the papers, or their context, indicate their place as subsequent to the removal of Whitaker and McKenzie.

[*Resolution*]

Resolved 1st that the Committee of Vigilance call upon the people of San Francisco, to decide by ballot what disposition shall be made of the Prisoners Whittiker & Mc Kenzie Whether they be delivered again into the hands of the Committee and be executed, or remain in the custody of the civil authorities.

2nd That the Executive Committee be directed to prepare an address to the citizens, and make all the preliminary arrangements for the said election.

[404] Rodmond Gibbons]

Annotated:] laid on the table
Aug 19. [20] 1851

Letter from the Santa Clara Vigilance Committee respecting one Morgan Aug 20th 1851

Santa Clara August 19th 1851

To the "Vigilance Committee of San Francisco"

Gents In reading "the confessions of Whittaker," in yesterdays papers our attention was called to the disclosures made of one *Morgan* and by request of the corresponding committee of our Association I take this opportunity of informing your Committee that there is a person of that name who came to this place under rather suspicious circumstances, with quite a large quantity of goods and *jewelry*. He is an Englishman and we suspect that he may in some way be connected with the outlaws & fellons who infest our Country, I am informed that he is on intimate terms with a person by the name of Barrett, who resides in your City in Montgomery St near Kearney. We suggest the name of Barrett, that your Committee may be on the look-out and should things round his place look suspicious and we receive information of the facts, we can take measures for the purpose of examining into the affairs of Morgan.

Morgan is a man about 40 years of age Light complexion, hair dark & slightly grey. Our Committee are of the opinion that he is a *Sidney convict* & associated with Barrett & others. Any information you may have to communicate we should be most happy to receive.

Pr order of the corresponding committee of the "Santa Clara Vigilance Association."

[Signed] Edwin Gates, Secretary.

[Addressed:]

To the Sec^t of the "Vigilance Committee of San Francisco"
San Francisco

[*Resignation of J. W. Salmon and H. D. Evans*]

We the undersigned who have had the honor hitherto to be members of the Vigilance Committee of San Francisco, beg to request that they may be allowed to resign from being any longer members of that Association.—

San Francisco 20 August 1851

[Signed] J. W. Salmon
" H. D. Evans

[Annotated:] Aug 19. [20] 1851 Accepted

[*Letter from Messrs Flint, Peabody & Co.*]

To the Vigilance Committee of San Francisco

Gentlemen Please find herewith check for One Hundred Dollars, which we ask you to accept, as a small token of our appreciation of your efforts to punish & suppress crime in our midst.

We have sympathized with you since your first organization. We appreciate your labors in behalf of this city, and knowing that you have been at much expense we deem it but our duty to bear some share of the same.

We trust that in the present crisis your action will be characterized by your usual prudence and firmness, and that you will not entertain a thought of discontinuing your efforts in so noble a cause.

We remain with respect
your friends
Flint, Peabody & Co.

San Francisco Aug 20, 1851

H Hoag. Aug 20. 1851

To the Vigilance Committee of San Francisco

Gentlemen A Mr Walker Passenger of ship *Robert Bowen* from Sydney informed me this morning that he knows there was passengers on board said ship whose characters were desperate and who were unfit for society that he would have informed the Committee appointed to investigate the matter of the fact and gave the names had the examination been private and Confidential as it was he would endanger his life by disclosing facts known to himself he has heard that there were twelve convicts on board and bad men who were not convicts and would now be willing to give you the facts if the matter should be strictly Confidential

Very Respectfully
Yours & C
Aug 20. 51 [Signed] H. Hoag

[*Report on the Escape of Whittaker and McKenzie*]

The Committee nominated by the Vig. Com, to investigate the cause of the escape or abstraction of the prisoners Mc Kenzie & Whittaker from the prison room of the Vig. Come., on the night of August 20th and ascertain if their removal can be attributed to any treachery or information conveyed to the authorities by any member or by members of the Vig. Com. [and also whether Mr Van Bokkelin the Chief of Police have faithfully and truly performed his duty[2]] report respectfully as follows—

The Committee having invited his Excellency the Governor of the State, his Honor the Mayor Sheriff Hays, & Deputy Sheriff Caperton to meet them in the Executive Chambers, those Gentlemen cordially assented, and being informed that the object of the Come., was to ascertain if their action in seizing and removing the prisoners was aided and abetted by any members of the V. C. they have provided the Com with the statements as follows severally,—

Com. of Investn. Mor[nin]g Mayor, Sheriff, Govnr—at 12 O C.

His Excl. John McDougall appeared before the Come by a request. And states that at the Hotel at Benicia yest^{y} 19th inst he heard it stated that the V. C. were to meet last night to sentence the pris^{rs} M^{c}Kenzie and Whit^{r}. That he determined to come down & prevent an execution if possible arrived here last night between 11 & 12, While at the Union where he immediately went, was inform^{d} by two gentlemen, who represented that they were, or had been Members of V. C. that the Com had determined to execute the prisoners between 8 an[d] 4 O. C. today. Immediately thereupon went to Mayor Brenham, called upon him to assist him in rescuing the pris^{s}, subsequently cal^{d} on the Sheriff—with the Mayor & Sheriff determined to get a writ of H. C. & went for the purpose to Judge Bennett at his residence but could not find him. Subsequently procured the attendance of Judge Norton, before whom the writ was obtained and given to the sheriff.[3] accomp by the Sherif. his deputy Maj Caperton and the Mayor came to the rooms of the V. C. Major Caperton entered the door first, the Sheriff followed. He (Gov.) paused at the door at the head of the stairs the Mayor remained outside in the street. Immediately the Sheriff & Caperton entered, the door was closed—The Sheriff & M. Caperton soon after came out with the pris^{rs}—No resistance having been made to their entrance or departure

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[2] The words enclosed in brackets have been crossed out.

The Gov^{r} having been asked for the names of the two members, who gave the inform at the Union, he declined, not thinking it expedient so to do.

His Hon The Mayor ap^{d} before the C^{e} at their request

He confirmed the statements of the Gov^{r} in relation to procuring the H. C. & its service at the rooms of the V. C. & further states that until the conference at the Sheriffs of[fice] when they determined on taking out the writ of H. C. it was intended to have appeared at 8 O. C. with all his Marshalls & police to prevent the execution, that he is perfectly certain that no member of the V. C. or any other persons other than those who came, had cognizance of their intentions No collusion directly or indirectly existed between them and any members of the V. C.—

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[3] The affidavit of Governor McDougal, and the warrant issued to the sheriff, are printed in the Introduction.

[August 20, 1851]

Upon being asked whether M^r^ Van B had been in his office last night, He said no, that he had not spoken to M^r^ V. B. in several months. and had had no communication with any member of the V. C. upon the subject

Col Hays, being invited to appear before the C. expressed his perfect willingness so to do. Col H was in bed when the Gov^r^ & his H the Mayor called upon him and requested him to go & serve the writ of H.C. upon the prisoners. He at first thought it was not his duty so to do, and rather roughly declined— He asked if they *knew* that the pris^rs^ [were] to be executed, and the Gov^r^ said he had positive inform^n.^ and had it from members of the V. C. He then consented to go and serve the writ. He and Major Caperton came to the rooms, entered, he remained at the door, & sent Maj Caperton to the room to take the prisoners out. While at the door, a person took him by the sleeve There was no resistance to their entrance and but slight resistance to their departing with the prisoners. Just previous to leaving, M^r^ V. B. came to him & took hold of him requesting him in a friendly way to come from the door as he had something to say to him—which he refused to do.

Pat^k^ B. [P.] Hull, Ex^d^ Was here last night.—Knows something of the escape of the prisoners Came here last night, report^d^ for V. duty, such being wanted and enquired for after adjoun^t^,—was told to arm—went & returned. Reported again—& was told would receive orders.—I received no orders, & was at liberty about the room. Between 2 & 3 O.C. myself & others were called into the Ex^e^ room. Garwood, Evans to receive orders in relation to the prisoners.—having gone to the refreshment room heard a scuffling & call for police,—at a loss to comprehend—soon saw the first of prisoners going out. Saw Jack Hays, & many others; could not get into the crowd.—When he saw the pris^r^ ran to the door outside 2^d^ story.— 1^st^ object was see if there was a crowd. Heard in the room "We are too strong for you" we have a posse outside tried to get out, by a rope. M^r.^ Thompson, Inspector came & go down by a rope. Sent him to close the outside door at the foot of stairs [and] ring the alarm at the time that Thompson was getting down Van Bok came & said "that is right, hurry." Afterwards saw the two men go out the door in custody; drew my pistol & cocked, but abstained from firing—

Mr. Steele was in charge of door at head of stairs Mr. Parker in the room of of priss. A drayman Mr. Mallett outside of the prisrs room heard a number of persons say Close the door, but saw no physical force used to prevent the prisrs escape. [Ten to 20 members were in the rooms last night[4]] from 6 to 8 were stirring about the room, many more asleep—when the occurrence 1st took place & many sprang up when the alarm was given.

Mr. Van Bok—You received orders canvassed [?] the merits of the guard.

5 to 8 minutes occupied while in refresht room—

Witness saw Mr. Van B. actively engaged in making list of guards, &c & other duty required by the occasion.

[Signed] P. P. Hull

Mr. McDuffee. presents lists marked *A* as detail of last night it was not quite 3 at the time he went to bed.—[In the margin: the guard from 12 to 3 were on duty].—The relief from 3 to 6 were in the room ready for duty.—when sent for Mr Mines, gave the keys of the prisoners irons & chains to Van Bok.—which was about 12 O.C. & has not since seen the keys.—The prisoners were ironed with h[and] cuffs but not chained when gave the keys to V. B.— It has been the custom for Witman [Whitman] & Van B. to chain & lock the prisrs, at night.— Was wakend by a noise on the stairs heard a cry of police,—heard Sheriff was in room came out, saw members going down stairs, did not see sheriff.—

[Signed] A. Jackson McDuffee.

Guards in the room on the night of the 19th /20

R Hochkofler 266
John B. Evans 330
Thomas Gowen [Goin] 618
James S. Wethered

F. B. Loomis
J. H. Watson
R. B. Hampton
W. C. Annan

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[4] The words enclosed in brackets have been crossed out.

John S. Ellis 654
Chanler Weles [Welch] 434
Jos. T. Hamm 75
D. Haine 399
D. J. Thomas J^{r} 81
M. M^{c} Intyre 796
Fred. Iken 66
Th^{s} B. Parker 363
J. H. Mallett
J. A Steele Door
S. L. Dewey
Steele J A
D. G. Oakley Front Sentinel

S. T. Thompson
H. J. Payne [Paine]
Maj^{r} Graham
P. P. Hull
Oakes
Van bocklin
Oakes
Vi. Turner
Capt. Gorham
William Hoag
Cornell Higgins
J. G. Gould
M^{r} Paran [Payran]

M$^{r.}$ Cornell. I was called at 20 min to 4, by M^{r} V. B. and said are you armed—get up & dress—

At 10 to 4 heard Col H. say dont resist me, I am the Sheriff of the Co.

25 or 30 men of the C were in the room, came to the door & saw a crowd around it, saw the prisoners pass out, Immediately ran out and gave the alarm by going with M^{r} Bluxome to ring the bell. Did not know he was detailed for duty until called by Van B.—who subsequently informed him he did not want it generally known that the prisoners were to be removed. The prisoners he observed were not chained when they went out, but had handcuffs on

He had a revolver but [did] not feel justified in using it, without an order from the Chief of Police. Had an order been given would have obeyed.—

[Signed] A J Cornell

John B. Evans;[5] testified that he had been anxious to be on duty and had registered his name for that object.— About 3 O. C. was outside by order, to induce persons about the door, to leave, that the prisoners might be brought out to be taken on board a vessel. While there was addressed by a man named Yorker,—or Nelligan, and asked if V. I. Turner was up stairs.—

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[5] An endorsement on this page reads: McKenzie says he never knew of any monies being given to Purcell.

Said, I do not know the man, was asked to enquire, and M^{r} V B told me he, V Turner was not in the room—Yorker on hearing this, said—he knew he was for he had been waiting for him some time—Yorker requested M^{r} Evans to tell Vi Turner that he been looking for M^{c}Dougall all over town and could not find him,— In the course of the Even^{g} was selected by M^{r} V B as one to take the prisoners on board the vessel. M^{r} V. B. appeared all night busy in executing the wishes of the Com^{e}—

[Signed] Jno B Evans

Marshall Crozier.[*] volunteered his testimony to show, that the Chief of Police had used no measures to inform the authorities of the operations of the Com^{e}, and knew of nothing which could be alledged against him for infidelity to his duty.

W^{m}Hogg. testified, that he was on duty last night by request of M^{r} V.B. and was placed in the Executive Com^{e} room. while there heard a voice which he recognized as that of Dep^{y} Sh^{f} Caperton and stated the fact to M^{r} Evans.— Went out, on hearing it a second time, with all in the room. Saw Dep S. Caperton with a prisoner in each hand going towards the stairs.— Saw a man with his back against the door, (a member of the V. C.) & heard Caperton say he was an officer of the Co & must not be resisted—Caperton then called for the police,— Saw V. B. go to the door of the 2^{d} Story which overlooks the Street, he subsequently returned and stood with his fingers to his face and made no effort to resist the removal of the prisoners.— M^{r} V B together with the members of the Com^{e}, then followed the sheriff as he supposes to rescue the prisoners, but they did not attempt it & afterwards returned. W^{m} H. went to the Monumental house to ring the bell, but could not find the rope. Believes the man whom he saw with his back against the door, to have previously taken hold of Sheriff Hays.—

[Signed] W M Hogg

Dep^{y} Sheriff Caperton, being informed the object of the Com^{e} Stated he believed the persons in the room were so taken by surprise that they could not resist. While here removing the prisoners was met by V. B. who did all he could short of shooting him, to prevent their abstraction, He had watched the mode of members entering the room and following their example, pushed in and without stopping rushed to the prison room and exclaimed I am the officer, I come to save you; the pris^rs jumped up, seized him by the collar, and hastened to go out with him. At the door met with resistance from persons at the door but assured V. B. that resistance was useless, they were too strong— He went out calling to M^r Hays to force the door open, and calling *police,*—Confirms the statement of the Governor & Mayor in relation to their mode of procedure, and declares there was no collusion nor understanding between them and members of the V. C. nor did he nor M^r Hays receive any information from any members of the V. C. to ~~aid them~~ in obtaining possession of the prisoners—

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[*] Robert G. Crozier was elected marshal, April 28, 1851. Soulé, *Annals*, p. 326.

Mr. Mallett. Was on duty at the door of the prisoners when the Sheriff came in. He rushed in saying M^c Kenzie & Whittaker come forward I am officer of the Co they rushed forward—seizing the sheriff and he them, and rushed toward the door. I pushed Whittaker back twice. but no persons coming to his aid M^c Kenzie & Whittaker got off Members of the V. C. rushed toward the door, but did not offer to help him. Is uncertain whether he saw V. B. in the crowd as he wears a coat similar to the sheriff. & could not discriminate between them believes if V. B. had acted with energy the prisoners could have been detained.—thinks a number of the Com would have acted if the Ch of Pol. had ordered them,

[Signed] J. H. Mallett

John A Steel. States, I kept the door from three oClock until the rescue of the prisoners Members of the Committee were constantly passing in and out some giving their numbers and some not doing so—at one time the Chief of Police called to me from the foot of the stairs to send him a certain man whose name I forget. I did call him and he passed out. the Chief returned some five minutes after, some few minutes after a man entered the door passed witness closely followed by another as the witness endeavored to stop the first man he perceived the second to be the Sheriff of the County. he immediately called out to Van that the first man might be prevented from entering the prisoners room. immediately after, the first man returned having with him the 2 prisoners at this moment some member of the Committee placed his back against the door to assist witness in preventing the departure of the prisoners, at this time a rush was made from the outside of the door pushing it partially open, and pushing witness and Sheriff on one side & the members of the Committee upon the other at which time the deputy sheriff with his prisoners effected their escape the whole matter took the witness so much by surprise as almost to deprive him of power of resistance. I had received orders from the Chief not to allow any one to leave the room during his absence—

[Signed] John A Steele

Mr Payran Stated, that the Executive Com: having received instructions to complete the arrangements for the execution of the prisoners, they were on duty to that effect, when the follow^{g} document was received from M^{r} Van Bokkelen

To the Executive Committee

Gents— I would respectfully report to your body that from information received. I deem it expedient & proper to remove the condemned prisoners Whittaker & M^{c} Kenzie to some proper place outside this building, where they will be at the proper time executed, in presence of the Committee of the whole

I would request that you allow me so to do and properly represent the subject to the Committee in the morning, when I feel confident they will approve of the step as for the sake of a small formality great evils may result

Yours Respt
[Signed] J. L. Van Bokkelen
Chief of Police

Committee Room Wednesday Morning 12½ Oclock 20th August 1851

[Annotated:] Report adopted 12 oclock & 50 M. A M.
S P—

Having then completed the arrangements as per annexed document[6] he went to sleep having first assured himself that the Chief of Police was fulfilling his instructions. had sent two Committees to obtain vessels, Said Committees had reported two vessels as applicable one of which was selected. he V. B. had formed his guard for duty, and everything was quiet & tranquil in the room

In he supposes two minutes he was roused by the cry of *police, police,* but supposed it made by some of the guard passing out and did not notice it further,—Presently on going forward, he asked why the call was made, & was then told that the prisoners were gone, but he could not at first credit it, until in 10 minutes M^{r} V. B. came in, and when asked "Where have you been" where are the prisoners, was answered, they have been taken by the Sheriff,—while this matter was in progress some person I think some guard came to the Ex^{e} Com: & proposed that Whittaker would give bonds to 100,000 in this city if he could be sent out of the Country,—this party was informed that the Ex^{e} Com declined receiving any bonds.[7]

[Signed] Stephen Payran

Mr Hampton, being asked all he knew in reference to the abduction of the prisoners, replied he had accepted voluntary duty from 12 to 3. During this time he saw Vi Turner in the room,—he was told that some horses were at the door and was sent to see what it was,—ascertained it to be the carriage of M^{r} Mines.—Saw at the door a man named *York* and reported that there was nothing at the door the only person he saw being York—he was detailed for special duty at 6 A M. and therefore at 3 OC. went to bed. Soon after retiring heard a scuffle and cry of police, police,—Saw a scuffle at the door between the door keeper & Sheriff, but there was very little noise & resistance—

Mr Turner told me he had a good man named York, to belong to the V. C.— I objected seriously to him, but the explanation was given which reconciled me to his becoming a member. Believes a slight resistance on the part of the Com^{e} would have prevented the removal of the prisoner.

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[6] A duplicate of the Police Order of August 19, p. 522, is attached to this statement.

[7] The *S. F. Herald,* August 22, reported that on Tuesday night Whittaker and McKenzie offered $100,000 for their release, a large amount promised in cash, and the balance to be in bonds, guaranteed by men of unquestioned financial standing.

[Signed] R. B Hampton

Mr Nelligan (Yorker) States he was at the Union last night at 12 OC. at about 1 OC a number of persons were talking in the street before the Union of the contemplated execution & several then expressed a willingness to take part in it—Saw Col White in conversation with the Governor, and others in the back room of the Union—In the barroom saw Messrs Mellone & Turner the only members of the V.C. he recognised then—did not observe them in communication with the Governor M^{r} Mellone left before the Governor. then followed Col White with the Governor, Mr Turner & Mr Nelligan left afterwards. He saw no communication between M^{r} Turner & the Governor. During his walk down from the Union asked M^{r} Turner what would be done with the prisoners, received for reply he knew nothing about it.

[Signed] James Nilligan

Col White, *Sworn* I was sitting last even^{g}. in the Union to hear a song & saw the Gov in conversation with several persons. He then called me to him outside the door and asked me to go with [him] to Taafe & M^{c} Cahill Store to the Mayors office. The Mayor got up & met us: up to this time he had not told me his intentions—He then told the Mayor he came there to notify him of what was going on, & his intention to make a demonstration of carrying out the law—Going down to the Mayor's office, he told me that the V. C. were going to hang the prisoners.—has not the least remote idea who informed the Gov^{r} of the intention of the V. C. Cannot say what members of the V. C. were at the Union [think M^{r} Mellone was there in conversation with the Gov^{r} but supposed the subject was political.[8]] Immediately after the Gov. left the Mayors office, seperated from him, meeting several members of the V. C. told them that action the Governor & Mayor was about to take and advised their being early to work in order to counteract their interference.

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[8] The words enclosed in brackets have been crossed out.

Geo. W. White

Mr Parker. *Sworn* was on duty last night.—was stationed in the prisoners room & was requested by Mr V. B. to see that one of [them] who had asked to be shaved did not cut himself, was assured by him he would not attempt suicide. Soon after a person came into the room, called the names of Mc Kenzie & Whittaker,—had a paper in his hand & stated he was a Sheriff of the Co—called them to appear They jumped up as if struck by an electric shock, seeing this attempted to close the door but the Sheriff & prisoners were too quick—the prisoners were forced back twice by him & the guard outside the door, Mr V. B. came to the door & other members also but offered no assistance, seeing no aid at hand desisted from any further attempt to keep the prisoners Believes if Mr V. B. had given the order to defend the prisoners they could not have been taken away.

[Signed] Thomas B Parker

Mr Van Bokkelin ex chief of Police being sworn, deposes and says that pursuant to an arrangement agreed upon between himself and the Exec Com. and in Company with Judge Blackburn, he had made the selection of a proper place for the execution of the prisoners, which arrangement he came and reported to the Come. Immediately after such report he made the necessary detail of guards and other preparations for the execution as agreed upon between the Com. and himself.—To complete such arrangements it was necessary to leave the room twice, and was once in compy with Mr Stillman & the second time went to the foot of the stairs with Judge Blackburn, but resolved to send Stillman with Blackburn, & returned immediately to the Com Room.—Now; gave permission to have Mackenzie change his shirt & shave if a razor could be got; previous to this had changed the handcuffs with the object to save the good spring hand cuffs and lose the poorer ones: then woke up the guard to assemble in the Com Room:—I read them the orders after it was assembled,—M^r^ Oakes & myself went out to get some refreshments in the refreshment room, in a moment as I was coming out thence I saw a man pass whom at first I thought was Stillman, but quickly heard the cry to stop him and the voice of Caperton, I ran over to the room and found the guard Mallett in a scuffle with Caperton & the prisoners: Witness immediately caught hold of Caperton, and turned him round, which brought him in front of a member of the Com^e^ with a drawn knife in his hand. At this time turned his eyes to the crowd assembled at the head of the stairs; Immediately went to the door & discovered Sheriff Hays with his back to the door, while there heard Sheriff Caperton coming from behind and calling *police*. Immediately took Sheriff Hays by the coat & drew him away to speak to him, begging him not to be rash At this moment observed M^r^ Hull busy with the ropes at the door of the 2^nd^ Story over the Street—Thought his object was to put it around the neck of the prisoner; learned however it was to let down a man to secure the door & give the alarm by the bell: Assisted to let him down but he fell.—On returning to the door, found the prisoners & Sheriff were gone, followed them as far as Montgomery but could get no sight, Coming back met the City marshall Crozier, exchanged a few words with him and returned to the Com Room—

It is not customary to lock the lower door,

M^r^ V B. has no knowledge of the person or persons who communicated to the Gov^r^ or any of the public authorities either at Benicia or here the intentions of the V. C. to execute the prisoners

[Signed] J. L. Van Bokkelen

Turner, *sworn,* I entered the room about 1½ O. C. I met M^r^ Wadsworth at the Union, who said he wished me at 8 O.C. tomorrow at the V.C. rooms. I objected from the inconvenience of early rising, but enquired why it was so desireable I should be there; was told because there would be an execution resolved then to go; & went up to get my pistol. On coming out met M^{r} Nelligan, who asked where I was going,—proposed he should walk with me, as I was going far down town; to the rooms of the V.C.—On the way M^{r} Gallagher met me, & asked if it was a fact that those two men are to be hung tomorrow morn^{g} expressed my doubt M^{r} Nelligan then repeated the enquiry, said I would go & ascertain the particulars at the Com room—

He asked for my pistol, which on promise of its return in the morn^{g} I lent him.—proposed his joining the Com^{e}. but he declined; said he would another time then told him I should stay at the room, when he returned my pistol. In the room assented to Mr. Van Bok^{n} request I should do a certain duty; but objected to go on a guard of 10 men in the morn^{g} though he was ready at the moment to go.— After sundry delays went in the executive Chamber and got in a dose, from which I was roused by the noise of scuffle in the room. did not converse with the Gov^{r} on the subject of the execution of the prisoners.—

[Signed] Vi. Turner.

The Committee respectfully submit the entire evidence taken and leave to the Vigelence Committee to judge for themselves of any culpability on the part of those entrusted with the charge of the prisoners last night and this morn^{g}

Your Committee while they feel it their duty to exonorate all from the least imputation of of bribery, or conivance at the escape of the prisoners, feel it their duty to say that there was a great want of that usual care and caution the importance of the duty assigned them required, and that they deem the Chief of Police especially guilty of gross neglect and wanting in that energy and self controul which if properly exercised would have prevented the escape of the prisoners and thereby have saved the Vigelence Committee from the disgrace of neglect which must now rest upon it.

And Your Committee can not conclude without expressing their condemnation of the course taken by those members of the Vigelence Com^{e} who were so derelect in duty as to inform the Governor of the intended action of the Committee which rendered it imperative upon him to adopt the course he did which has so effectually checked the important action of the Vigelence Committee.

[Signed] J. D. Stevenson
" Wm. Hart
" C. V. Gillespie
" Arthur B. Stout
" S. Brannan
" Henry S. Brown

FRIDAY, AUGUST 22, 1851

MISCELLANEOUS PAPERS

[Police Order]

Chief of Police. Will please detail three men to accompany Mr Williams and take into custody the person pointed out by him.

By order of Executive Committee
[Signed] E. Gorham
Prest Pro tem

Aug 22/51
[Annotated:] Prisoner delivered
[Signed] J. W Stillman Deputy

[Resolutions of the Santa Clara Vigilance Association. Case of Whittaker and McKenzie]

Vigilance Association Room
Santa Clara August 22nd 1851.

At a meeting of the Santa Clara Vigilance Association, the following resolutions were unanimously adopted

Resolved 1st That we have learned with unfeigned astonishment that the notorious villains Whittaker [and] McKinney have been by an unwarantable interposition of the perjured authorities of San Francisco rescued from the custody of the Vigilance Committee, and the fruitful investigations of said Committee have thereby been most shamefully interfered with. A rescue under such circumstances from an association so powerful and so perfectly organized presents a problem, difficult to be solved. We fear there is a judas in the camp.

Resolved 2nd That we hereby renew the tender of our unqualified services to be commanded by the shortest notice We therefore trust the Vigilance Committee of San Francisco will not hesitate to call a requisition (upon necessary occasions) on our feeble but hearty cooperation.

Resolved 3rd That we denounce in the most bitter and unqualified terms the recent shameful conduct, of Gov McDougal in prostrating the high prerogative of his office to giving aid and encouragement to the hordes of burglars and murderers who infest every portion of our unfortunate country.

Resolved 4th That this meeting has been called and the foregoing resolutions have been adopted as expressive of our feelings and sentiments, touching the late unfortunate rupture between the authorities and the Vigilance Committee of San Francisco.

Resolved Lastly That the Secty transmit a copy of these resolutions to the Vigilance Committee of San Francisco.

[Signed] Edwin Gates Secty.
Vigilance Association

Joel Clayton President

[*Letter from William Carey Jones*]

San Francisco, 22 August, 1851.

To the Vigilance Committee of San Francisco

Supposing that you will have better and prompter means of investigation and detection than I can command, I desire to call to your attention a recent assassination committed within the City limits. Thomas Wheeler came to California in Novr. last, from Washington City, with Col. Fremont. About the middle of July he left the service of Mrs Fremont, then living in "Pleasant Valley," and went into the establishment called the *Union* at the corner of Kearney and Merchant Streets. He continued in that place only a few days, and went to service at the public house called *the Nightingale,* at the end of the plank road. He left there, on leave of absence for the night, about two weeks since—as near as can be recollected on Saturday evening, 9th inst., about 8 o'clock. He was not afterward seen or heard of till Monday or Tuesday last, when his body was found, in a state of decomposition, in the woods about a hundred yards beyond the bridge at the right of the Mission Road. An inquest was held by the Coroner on Tuesday, & he was subsequently buried by the city sexton. After the inquest he was seen & the body recognized by several who knew him; & the identity is also proved by articles found on his body & by his clothing. I was informed that Mr Hays, brother of the deputy sheriff, and who keeps a house on the *old* mission road, was the person who discovered the body.

[Signed] Wm Carey Jones[1]

[Addressed:]

To the Executive Committee of the Vigilance Committee
San Francisco

[*Letter from the Secretary of the Sonora Committee of Vigilance*]

Sonora 22 Aug 1851

S. Payran Esq
Pres Ex Com San F V.C

Sir I have just received a communication from the Secretary of the Stockton V. C. enclosing a Copy of letter received from you referring to a man said to be a partner of Hetherington, by the name of Antone[2]—and who is supposed to be in Sonora. The object of this communication is to request some description of the man to guide us—"Antone" is a name common enough among Mexicans and Chilenos, even supposing the man has not changed his, which he would be likely enough to have done, witnessing the disposition made of his confederates—

You may feel assured that any clue you may afford us will be strictly followed up, and under the present exciting state of things, I would wish to add, that our Com. offers its cordial support to V. C. of San Francisco

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[1] William Carey Jones first came to the state in 1849, as a confidential agent of the U. S. Government, to investigate and report upon the subject of land titles in California. He was a brother-in-law of Col. John C. Frémont, the explorer, and for this reason he was particularly interested in the disappearance of a servant attached to the Frémont family. He appeared as a witness when Harding and Olligin were on trial for Wheeler's murder. See also pp. 522, 579.

[2] See p. 477.

I am, Sir with Respect
your obt Svt
[Signed] William Perkins
Sec^y of Sonoro Com

[*Letter from A. G. Randall*]

San Francisco Aug. 22/1851

To The Chairman and Members of Executive Committee V. C.

Gentlemen, On the 9th inst I had the honor to receive from your body the appointment of "Collector of Dues and Fines" and according to your instructions proceeded immediately to perform the duty assigned me. I devoted considerable time to calling on members who are indebted to the association for their dues and with a great deal of trouble seccceded in collecting about $200.00 of dues, which amount I paid to the Treasurer—

I subsequently turned my accounts over to Mr. Oakley who had been appointed assistant to my predecessor, Mr. Wells—My business engagements will not admit of my acting longer as your Collector, and I would cheerfully recommend that Mr. Oakley be appointed in my stead

Expressing to you my willingness to serve the Committee in anything that lays in my power

I remain
Your ob't serv't
[Signed] A. G. Randall

Examination of Convicts August 22nd 1851

John Luckhurst—Ship *Edgar*[3] says that he is not a convict refers to Capt Munroe M^r Nichols W^m Richardson Discharged on recognizance to appear again

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[3] The *Edgar,* Captain Smith, arrived from Sydney August 21, with 120 passengers (*S. F. Herald,* August 22). Thirty-two passengers and five of the crew were reported upon by the committee of investigation. Four were considered suspicious characters, among them Johanna, wife of Thomas Scott, whom the Committee had already transported.

Michael Ryan—*Edgar,*

John Hobbs Ditto convicted for Treason has 20£ English—

James Webb has a Wife *Robert Bowne* for an Assault & Battery on a Lieut on H. B. M. . . .[4] only a few Pounds—Discharged on reporting every 48 [hours]

Lawrence Higgins *Robert Bowne* 69 years of age no means

James Roach *Robert Bowne,* Convict no means

William Alderson *Robt Bowne* Street Robbery Sausage Machine—

Selim E Woodworth Esq appointed a Committee to obtain Passages for the Convicts

William Tenant, form Sydney—36 years old

SATURDAY, AUGUST 23, 1851

MINUTES

Minutes of General Meeting Aug 23. 1851

Mr Selim Woodworth in the chair

On motion

Resolved That names of Candidates for the Office of Chief of Police be submitted at this meeting and voted for at next meeting & That the vote be taken by ballot

Resignation of Mr Charles Gulliver was read, and laid on the table, and check for 100$ accepted—

On motion Mr Brannan

Resolved That the names of delinquent members be read on Tuesday evening next

On motion Mr Brannan

Resolved That the Treasurer of the V Committee make a full report on Tuesday evening next—

On motion Mr Geo R Ward

Resolved That each member of Com of V be assessed the sum of five dollars to defray the current expenses of August

On motion adjourned

[Signed] I Bluxome Jr
Secretary—

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[4] Illegible.

J L Van Bocklin Aug 23, 1851

San Francisco August 23rd 1851

To the President of the Vigilance Committee

Sir Owing to the unhappy circumstances which transpired on Morning of 20th inst. and the feeling existing therefrom amongst the members of the committee, and the unkind expressions towards me; and feeling a deep interest, in the continued prosperity of the cause to which others as well as myself, have devoted their gratuitous time & labour, I feel as though my usefullness, for the time being was impaired, and my continuance in office might make others lukewarm I therefore beg to resign the Post of Chief of Police with assurances of continued interest in the welfare of the committee, trusting that the time may soon arrive when all may do me justice as my duties have been preformed to the best of my abilities without pay or pecuniary reward of any kind

Yours Respt
[Signed] J. L. Van Bokkelen

[Annotated:] Accepted.

[Endorsed:] To be referred to General Committee Augt 23/51

[*Examination of W. L. Harding*[1]]

Executive Chamber Aug 23. 1851

Present Messrs J B Huie A J Ellis Bromley Kelley Smith & Payran Presdt

Wm L Harding examined Born in Mayland arrived in California in December 1849. arrived from Boston in Barque *Eurota*. Came as Second Mate. have been to Oregon & Panama since I arrived here, went as a sailor in an English Ship to Panama—returned here in the English Barque *Barbalary* on 29th August 1850. went to Oregon last November was there 4½ mos was in the lumber trade for Dr Trogan [?] in Oregon, shipped for Ottinger & Brown—when I returned stopped a month—went to the mines in April 1851 went top[?]

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[1] See p. 522.

fork of American River, engaged as a miner with a man by the name of Jno Smith another by name of Randal first month cleared my board, brought here 250.—got my Dust changed in Sacramento arrived here 16th August—put up at the Clinton House on Clarks Point, dont know Olligin hired two horses for him & me I started after 12 oclk to ride the other prisoner started at the point with me—first I hired one horse then asked him to go along—Then another man came to the stable with us—went out of town together, alway knew him by the name of little Jack—dont know his other name—hired horse for a ride to the mission know Nooly Carney,[2] stopped at his house on Sunday night have known Nooly Carney since last winter

Why did you run away when called to stop? was so drunk—I did not know what I was doing—was whipped on board the Steamer *Spitfire* three years since while on the coast of Mexico—

[*Resolution*]

Resolved That Mr Austin be authorized to proceed forthwith and institute legal proceedings againsf Ships *Adirondack* & *Robert Bowne* according to the Statute Laws of this State.

[*Letter from Mr. J. Clarke*]

Dear Sir

In regard to the convicts, *you,* not *I* must decide what course to adopt.

You may *prosecute* for the *crime,* in which case you have only to send before a justice of the Peace, say Justice Sheperd, a person or two who will swear to facts sufficient to justify an arrest. The Justice will issue the warrant and you have only to point out the offenders. The punishment is imprisonment. You get no money. Again if you wish to bring a civil suit for the penalty of $1000, you may do so against the captain, and I am very confident, the owners, but you cannot *hold to bail.* In no case can you arrest the *Ship* in the first instance, I am perfectly ready to commence a suit either in the District or Superior Court, for the penalty, when ever you may decide that is advisable to do so. It would of course be some weeks before it could be tried.[3]

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[2] This is a reference to Wooley Kearny, an undesirable citizen who was banished by the Vigilance Committee of 1856. Bancroft, *Popular Tribunals,* II, 279.

Very respectfully
[Signed] J Clarke

San Francisco Aug 23, 1851

[Addressed:]
To S. Payran
President of the Executive of the Vigillance Committee

[*Report of a Meeting of Citizens*]

At a Meeting of Citizens of San Francisco, Aug 23 1851
Fred A Woodworth Called to Chr
Geo. R. Ward apt Secy

Motion of Mr Earle, *Resolved* that a Com of 13 be appointed to report to the meeting on Tuesday evening a ticket to be recommended to the State & County and to draft a proper address to our fellow citizens.[4]

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[3] The act prohibiting the importation of convicts into the state made any person who should offend against the provisions of the statute liable to three months' imprisonment and a fine of $1000, one-half of which should go to the party prosecuting for the offense, and one-half to the county in which the prosecution should be held. *California Statutes*, 1850, Chapter 82.

[4] This brief report showed the beginning of a movement that resulted in the presentation of an Independent county ticket at the state and county election, September first. The action was not officially endorsed by the Committee of Vigilance, and resolutions passed on the 26th (p. 551) and the resignation of J. F. Spence (p. 552) indicated strong disapproval on the part of some. But it was generally considered to have originated under the influence of the organization, owing to the fact that the initial meeting was held at headquarters and that announcement of the ticket, published in the papers of August 28th and thereafter, was subscribed to by at least seventy-nine of the Committee, out of a total of 203 signatures. Seventeen independent nominations were made, and endorsement was given to fifteen candidates on the regular Democratic and Whig tickets. From 1000 to 1300 ballots were cast for the former group, none of whom were elected, but the strength of the movement was sufficient to ensure the election of all but one of the regular candidates endorsed by the Independents.

SUNDAY, AUGUST 24, 1851

MISCELLANEOUS PAPERS

[*Order for the Re-arrest of Whittaker and M^c^Kenzie*]

Capt. Cartwright:—

You are hereby authorized to detail a guard such as you think proper, and arrest two Prisoners to wit—Sam Whittaker & R Mackensie and bring them, into custody of the Committee of Vigilence

Done by order of Executive
Committee August 22 A D 1851
[Signed] James B Huie

Attest S Payran
Sect^y.

[Annotated:[1]] Executive Com^e of Vigilance Com^e
S. Francisco Aug. 24./51

Agreeably to your orders above I detailed (30) Thirty men who proceeded in Three Divisions under the respective orders of Col G. W. White, Capt Calhoun & Mr Oscar Smith & in the short space of 5 minutes from the first charge the Prisoners above named were on their way to your Head Quarters—

Respy
[Signed] J W Cartwright

[*Police order*]

Executive Chamber Vigilance Committee

Cpt. Clark.

Sir You will detail a sufficient number of men to proceede with you, on board the "Brig" *Hallowell* and arrest the Capt.

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[1] This order, with its annotated report, is the only official record of the recapture of Whittaker and McKenzie. Entrance to the jail was effected on Sunday afternoon, just at the close of a religious service held for the prisoners. The two men were seized without effective resistance on the part of Captain Lambert, who was in charge at the time, were rushed to a carriage outside, and driven furiously to headquarters. No time was lost in executing the sentences already pronounced, and the prisoners were immediately hung from two beams that projected above the Committee's rooms.

of that vessel on a charge of Murder,—or whereever else you may find him.[2]

[Signed] S. E. Woodworth
Presd^{t}—V. C.

In the absence of the Chairman of the Ex. Com. of V. C.

[Endorsed:] Rep^{d} with Prisoner August 24/51

TUESDAY, AUGUST 26, 1851

MINUTES

Minutes of General Meeting Aug 26. 1851

Mr Fred Woodworth in the Chair

Minutes of previous meeting read & approved

Donations received from the following Gent Mr E Dè'lesaret 200$. B Cahoon 50. & J J Chauviteau 50.$ ordered that the Secretary address a letter of thanks to the Gent for the same

On motion

The Committee went into ballot for Chief of Police to fill vacancy—occasioned by the resignation of Mr Van Bocklyn

W Oscar Smith received 128 votes—J W Rider 8—Ja^{s} King of W^{m} 2 F Argenti 1 R Calhoon 1. J W Cartwright 1—W Oscar Smith was declared elected

On motion Mr Brannan

Resolved That a subscription list be opened for the benefit of Mr Berdu[1]

On motion Dr Stout

Resolved That in future no citizens be allowed to use this room for purposes other than those of the Vigilance Committee

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[2] See p. 572.

[1] On August 25, F. A. Woodworth, Isaac Bluxome Jr., George Mellus and J. F. Spence testified in the San Francisco Court of Sessions that they had heard Stuart and Whittaker confess to the attack on Jansen and exonerate Berdue and Windred of any share in the crime, and Berdue, already formally cleared of the murder of Moore, was then discharged from the sentence imposed at the time of his conviction for the assault in San Francisco. Jansen, finding that Berdue was penniless, offered to return the money taken from him at the time of his arrest, and at the suggestion of the judge, a subscription was immediately started for his benefit. *S. F. Herald*, August 26.

By Mr Delasaret [Seconded by By. Sanders No. 156 Sam^l Moss Jr.[2]]

WHEREAS—Charley Duane by whose violence the lives of two unoffending citizens have been endangered, one of which was Mr Ball a juror is by an uncomprehensible act of executive clemency again at large in this community after having been duly tried and sentenced according to law[3]

Resolved That said Charley Duane have notice to leave this City of San Francisco and not to return under penalty of *Death* and that this act of the Governor meets with our unqualified disapprobation—

The above resolution was adopted—but ordered, That no action be taken on this subject until it is ascertained positively that pardon has been granted

On motion adjourned

[Signed] Isaac Bluxome Jr
Secretary

MISCELLANEOUS PAPERS

[*Resolution*]

WHEREAS, it is with deep regret that we learn that a Political ticket for the coming County Election has been put forth, purporting to eminate from certain members of this association—and believing it ruinous to the objects of our formation, for us to recognise any ticket of a Political Character—

Resolved that this Committee disavow all participation in the formation of the said ticket, and wish it distinctly understood that they will in no manner lend it their countenance or support. as the Committee of Vigilance.

[Annotated:] passed & ordered printed[4]

[*Resolution*]

223 [L. Tuffs] Motion, that this Committee do, from this time henceforth disapprove of any political question be brought before the Committee in this room

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[2] The words enclosed in brackets are from the draft of the resolution.

[3] Duane, sentenced to a year's imprisonment for the attack on F. A. Ball, was promptly pardoned by Governor McDougal.

[4] This notice appeared in the *Alta California*, August 28.

[*Resignation of J. F. Spence*]

San Francisco August 26th 1851

To the President of the Vigilance Committee San Francisco

Sir It is with unfeigned regret I find that our excellent body, as a Vigilance Committee, has degenerated into a political Association, under an assumed name, I hereby desire for that reason, that my name be taken off the Books of the Vigilance Committee as I shall no longer consider myself to be one of its Members

Trusting that the action of last night may not injure the good cause of the Viglce Comtee as I fear it must

I am
Yours respectfully
[Signed] John. F. Spence

[*Letter from Eugene Delessert*]

San Fco 26th Augst 1851

To the Secretary of The committee

Dear Sir Wishing to help the Committee not only with my faithful attendance but also to share the enormous expenses— lately occured—

I beg of you the favor to accept this small gift[5] as a token of my hearty approval of the conduct of the Committee

[Signed] E. D. 439

[Addressed:]
To the Secretary of the Committee

[*Police Order*]

[Capt of Police[6]]

David Calderwood	Head of Sacramento Street
John Strathem	North of George Glay's Happy Valley
Hugh Murdock	head of Washington Street
William Gray	Eagle Bakery Stockton Street

[Signed] Stephen Payran

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[5] $200. See Minutes.

[6] The words enclosed in brackets have been crossed out.

These witnesses are wanted to testify in the case of David Earl
Aug 26 1851

[Annotated:] John Strahem to be requested to get witnesses for Prisoner

Prisoner wishes to be confronted with Rowland

Order for Arrest of Martin Sanphy & Wife, Aug. 26. 1851

Capt Thomas

You are requested to detail a Guard and arrest Pat Sweeney and M^rs^ Connolly now Sanphy and bring them before this Committee[7]

Done by order of Committee
August 26 1851
[Signed] S Payran
Presdt of Ex Com

Attest G W Ryckman
Sec pro-tem

[Annotated:] Returned with Pat Sweeney at 2 o'clock.—Could not find Mrs. Connolly nor her place of residence—Neither Mr. Henesy.—

[Signed] R Hochkofler
No 266

[*Evidence concerning Mrs. Sanphy and Pat Sweeney*]

Martin Sanphy—Native of Ireland, I left Dublin for Liverpool, I left Liverpool on board the *Ann Drummadel* Capt Coltish, bound for Hobart Town Sydney 18th July 1839 to better my Condition for Life, I left Launceston 9th May 1850 for California on Board *Spartan* Hennessey—Ferguson, White, Bloyd, Owen, French, Rice, (North Beach stops at White's) I do not recollect any others by name that came here—I recollect Thomas the Baker in Vallejo Street—I loaned Capt O'Donnell at the Ohio House, in Dupont Street $1250 when I came here at 8 per cent a month—I have not yet received all the Principal nor all the Interest—I went into no business—I lived at Curtis's in Broadway two or three months from the time I arrived here

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[7] Sweeney and Mrs. Connolly had been brought to the attention of the Committee long before this date. See footnotes on pp. 53 and 132.

—I lived two or three months at Hennessey's at the North Beach, I was about one month at the mines, I worked at the mines—at the rate of $100 a month—I came back about a month since, I have not lived at any other places nor any other Persons from the time I arrived until this time, excepting the time I lived with my wife Mrs Connolly in Nelson's House

[Signed] Martin Sanphy

Attest S Payran

I lost $1220 by my wife—I brought out between 2 & $3000 from the Colonies, from the time I arrived & for four months paid $12 or [15 [8]] a week for Board, I worked as a day laborer at out doors work—I do not think that I worked one day in a week since I came to California, (I except the three or four weeks that I worked at the Mines) I have not kept store or Tavern since I came into the Country—the $1220 stolen from me by my wife was in $50 pieces excepting two $10 pieces—

Martin Sanphy, I am married to a woman by the name of Connolly, she wanted me to go to Marysville a week ago to go into business I went up and took a House deposited $100 and came down for her, to day we were to go by the Steamer, she sent her Boxes with me, I put them (the Boxes) on board, she then said she was going to a friend's House and come for her, I went, but she had not been there, she put her clothes in a Box and sent it away I do not know where— Wilson who owned the House were we lived took charge of it, I do not know where she is— I know that Wilson and a man called Pat Sweeney are companions of hers—she took $1220 from me, she gave me to understand that the money was in the Boxes

[Signed] Martin Sanphy

William Wright, I was born in Dublin, I went to Philadelphia I landed at New York and from thence to Philad^a—I arrived in Philadel^a in 1841 I lived in Phil^a between 5 & 6 years —I lived at the corner of 2nd & Pine with M^r Brown a Boot &

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[8] Crossed out.

Shoemaker I went to Baltimore I worked with M^r^ Hazy in Pratt Street Boot & Shoemaker, I left Baltimore for California last month two years for California by way of the Horn on Board the *Cyclone*—and arrived in September 1849. I went into the Q. M. Department as a Groom—I held this situation for eight months, I then went to Trinity Mines—lost about $800 and came back again, last July a year—I live at Sonoma but I have been staying at M^r^ Holms on Dupont Street, between Jackson & Washington Street, I have known Sweeney 12 or 15 Mos he (Sweeney) boarded in a House kept by Mrs Regan in Dupont Street, I lost a good deal of money there. I hired Pat Sweeney to drive Team a week since, I asked him a month since, I am staying here now, he has not commenced driving yet, M^r^ Miller is my master, I bought the Team M^r^ Welch is to pay—he, M^r^ Miller is up for assembly—

I know M^rs^ Connolly—

[The following Statements are in a consecutive series, dated August 26 to 31.]

John Hennesey *sw[orn]* I know Pat Sweeney, William Wilson, Jane Connolly & Martin Sanphy, Pat Sweeney has been in S.F. about one year, he went to the Mines, and returned about nine months since he worked awhile on a scow between S.F. and Marysville, he boarded with M^rs^ Regan and lately with me, I have seen M^rs^ Connolly speaking with Pat Sweeney—I have seen Wilson speak with M^rs^ Connolly, Sanphy has been at the Mines, he married the woman Connolly about three weeks since, Sanphy and myself went up to Marysville about a week on last Saturday, he, Sanphy took a House from a Frenchman & paid him an $100 I took a House of Robert Ogden paid $60 I am to get possession of it on the 1^st^ September I believe Sanphy had money, he came down from Marysville to take his wife up, he found his wife, and prepared to go—I saw her yesterday an hour or so before the Steamboat hour she came to my House to bid my wife good bye, her Husband was with her. Sweeney was riding about with Wright the greater part of the day, he was at my House in the morning I am not certain as to whether he slept at my House with Wilson the night previous.

he was at my House last night about 7. o'Clock with Wilson, Wilson was drunk, Sweeney was not sober, Pat Sweeney was not at my House at the time of Wilson's arrest, I have not seen M^{rs} Connolly nor Sanphy since 2. OClock P M of Yesterday, I do not know where she has gone to she has no Trunk or Box at my place, I do not know that Pat Sweeney or Wilson carried a Box for her I heard Wilson say that she was a bad woman, and that he would not go into his House while she was there, she lived at Wilson' House in company with her Husband, Wilson slept frequently at my House there is a man by the name of Morrison and his wife living at Wilson House, I presume that they and M^{rs} Connolly took care of the place, when Wilson slept at my House, Wilson is a timid man, and I think he was afraid to go home, Sanphy had heard some tales to the discredit of M^{rs} Connolly before his marriage, I believe M^{rs} Connolly's character to be bad I have no doubt her leaving her Husband was for the purpose of robbing her Husband

Witness discharged on condition that he report in relation to M^{rs} Connolly August 26th 1851

James M^{c}Cowan, I am a resident of San Francisco at the time that Irish Dick was executed at Hang Town[9] I resided there, a man called Woolley attempted to rescue Irish Dick, he offered his Horse Saddle & Bridle to escape with, Woolley nearly murdered a man called Ben who was assisting to execute Dick, Woolley was notorious as a breaker of the Peace, was a fighting man, I do not know what Woolley's occupation was at Hangtown, the Authorities would have taken Woolley for the Assault & Battery on Ben, but Woolley escaped, I know of no other breach of the Peace except the attempt on Ben—this Woolley is about San Francisco, I believe him to be a dangerous man, he is about 5 ft 8 in heavy set, light complexion light hair somewhat curly his nose above the bridge is some what flat, the point turns a little to one side

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[9] One of the first recorded lynchings in California took place in January, 1849, at the mining camp known as Dry Diggings (now Placerville), when three men, proved robbers and suspected murderers, were hung from a tree in the center of camp. The affair was an example of brutal mob violence and for some time the settlement was popularly known as Hangtown, and justified the title by other executions from the branches of the same tree. The sensational lynching of Richard Crone or Crosin, known as Irish Dick, is related in detail by Bancroft, in *Popular Tribunals*, I, 155.

[Signed] James McCowan

Pat Sweeney, I am from Van Dieman's Land, I left Launceston about 18 mos since, I sometimes work as a Shipwright, and sometime on the River, I knew Connolly and his wife, I have known her since his death, been intimate with her, she came down frequently to the place where I boarded, at Mr Hennessey—I have seen her at Hennessey seven or eight times at least, I have taken her home twice Mrs Hennessey has asked me to take her home, she slept at Hennessy two nights, Hennessey slept with me at the time, I have been acquainted with her since she married Sanphy—I have been in company with her several times since her marriage with Sanphy—I was in company with her on the day she left San Fran° I carried some Trunks & Bedding from the North Beach to Hennessey for Sanphy, which I am informed belonged to her—After she married Sanphy, Wilson & myself carried them up to Wilson House, it was the night they were married, I do not know where Mrs Connelly is nor where she intended to go to

Attest S Payran

August 27th 1851

Mrs Sanphy left the Carpet Bag in my charge for a young man by the name of Latham who is at the mines, I left it with Mr Radford for safe keeping—she gave it to me on the morning that she was going away—at Wilson' House she asked me to keep the Bag for this young man—she said that she had given Latham an order to receive his box sometime before,

William Wilson—I came from Tahita, I have been in S. F. four years, I now live corner of Dupont & Francisco Streets, I do not do any business there, I let it out to two families, Mr Sanphy & Mr Morrison, I keep a room in it for myself, I knew her in Connolly's life time, I have known her since his Death, I have been intimate with her since her marriage with Sanphy—I have often sat with her—

[August 26, 1851]

I was born in Ireland, do not know what year I left Ireland in 1841, in the *Agnes Ewing* bound for Sydney—300 & upwards of Passengers, no Soldiers on board she left Liverpool, they were Emigrants, I did not pay two pounds, do not think I have my Emigration Papers—I worked for Mr Scott about 18 Mos at New Castle I then came to Sydney, and worked for Mr Harris about 18 Mos, I then went to Tahite with a friend by the name of Miles, where I was nearly two years,

I saw her (Mrs Connolly) on the day that she was going away, she said she was going to Marysville

In the Matter of David Earl

David Calderwood— I know David Earl, I knew Earl in Scotland and his Father's family in Scotland I have known him two and a half years in America, in San Francisco he was in the employ of Sims—and built for Cross Hobson & Co, he is considered a sort of Libertine, I never knew him guilty of any crime such as Burglary—if he has ever been guilty of such crime it must have arisen from his prosecution on the charge of Bigamy, so far as I know anything of him, I would not think that he would be guilty of Stealing

[Signed] David Calderwood

Stephen Payran— I know Daid Earl since May 10th 1851. I know him as a Carpenter from Earl & Massey, I employed them to build for me, and also for Toland & Hart, they completed their contract in relation to Toland & Hart, mine was a little delayed, so far as my business transaction with them I cannot find any fault, I never heard the character of Earl called in question until since the Execution of Jenkins by the Vigilence Committee since then implicated by Stuart, & Whittaker; of my own knowledge I know nothing

[Signed] S Payran

George P. Melvill, I know David Earl, I have known him since last October, I never knew anything against his character for honesty, except the charge against him of Bigamy, he was an industrious man

[Signed] G P Melville

William A Rowland, who had been previously examined *ex parte*, now reproduced at the instance of Mr Earle, who desired to be confronted August 30th 1851

Earl, Under what circumstances did we become acquainted?

Rowland, My wife took a House of him I do not know Earl guilty of any dishonesty,

Attest S Payran

Richard E. Rowland—August 31st 1851

E. What were the circumstances by which we became acquainted?

Answer—My Mother took a House of Earl about December 1849.

E. Did you or your Father ever employ me to build a House

Answer—My Father employed Earl to build him a House, I merely acted for my Father, I signed no contract, my age at that time was Fifteen Years—

E. What time did your Mother die

Answer—December

E. Where there any arrangements between your Father, yourself and myself in relation to money for her Interment

Ans—There may have been—my Father borrowed some money of Mr Earl, I do not know the amount, the money was paid the whole amount borrowed of Earl was $700

Earl What security did I receive from your Father for the repayment of the money

Ans: I Believe my Father gave his note for it

Earl, Do you remember how the $700 was paid

Ans: I have your acknowledgement for it

Earl—You stated that I robbed your Father state under what circumstances

Ans: In 1850 we, Father Sister & myself were out at the House of Earl—he Earl said that he had been at our House & lifted the window and said that he saw the Bed and clothes tumbled, that is the reason why we had suspicion, the amount was about 50 or $60—the robbery had been done by some one well acquainted with the place—and Earl was well acquainted with it—

E. Do you recollect your Father saying that he lost but $7—and that it was a good thing he had put his money in his Boot and that was safe

Ans. I do not—

Earl—Did your Father owe me any money at the time of Robbery

Ans: I believe he did;

Earl—Did you not suspect that some other Person might have robbed the House

Answer—No one knew the House as well as you did—

Earl—Did you or your father ever pay for the House

Answer, We did pay for it and have your Acknowledgement—& can produce it

Earl—Do you recollect the time your Father bought Butter to Amt of $300 of Macondra & Co

Answer I do not recollect, my father & myself were not in Partnership at the time of buying the Butter but were shortly afterwards

E. Did you ever ask me for money to buy on your own account

Ans. I do not. I recollect asking you to advance me money

Earl—Did I advance your Father or yourself the money to buy the Butter

Answer—I do not remember of your making any advance

Earl—Were you a party to the purchase of the Butter

Ans, I was not,

I have no other questions to ask witness

Attest S Payran

W^m^ A. Rowland

Earl, Do you recollect of your purchasing Butter of Macondra & Co to the amount of about $300

Answ. I do; I purchased it for myself I do not recollect the time about a year & half ago

Earl—Do you recollect calling on me a year ago about this time to borrow some money to pay for Butter of M & Co

Ans. I do recollect calling on you—and borrowing some money to pay for the Butter

Earl—Was your son Richard in Company with you in the selling of the Butter?

An: I cannot say; the amount was more than $200

Earl How was the money returned to me by you

Ans: I paid it all in Cash

Parties are called upon to produce accounts & settlements—
Earl has no further question

Examined by Mr Miller I do not recollect buying any Lumber of the Ship *Huron*—Jacob Addis bought it, I agreed to pay for the Lumber bought of the *Huron*—I gave my Note for it, the Lumber was purchased in May 1850,

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WEDNESDAY, AUGUST 27, 1851

MISCELLANEOUS PAPERS

[*Police Order*]

To Chief of Police

Sir You are hereby ordered to detail a Guard to bring before this Committee the person of a man named George a bar Keeper for Mr Felts he lives next to Mr Horn or Hall in Battery St beyond Mission St

By order of
Ex Committee
S Payran
pr I B Jr

San Francisco Aug 27, 1851

[Annotated:] The Police report that the man George has gone home; he left about 4 months since

9 P M Aug 27./51

[*Statements of T. W. Harper Case of Michael Kelly*]

Thomas W. Harper— Says from information I have received Michael Kelly has been on and about the premises of

Michael Folly, at the Mission, from the time he was missing until yesterday—Yesterday application was made to Mr Langdon's family beyond the house of Folly and oposite the Pavilion—the application was [for] the purpose of obtaining permission for this Kelly to stop at the tent where Mr Langdon now is, about 16 miles from the Mission, near or back of Sanches's rancho. A man working for Langdon & Langdons boy—saw Kelly pass yesterday. The boy will go with any one coming there. During the time that Kelly was stopping at Folly's house he slept in Folly's house at night and remained in the bushes in the day time. When seen yesterday his beard was very long and his general appearance much changed. This information of Mr Harper was received from Alfred A Green, who had a personal interview with Langdon's family this morning.

Aug 27. 1851

[Signed] Thos W. Harper

[*Statement of Peruvian Angel Case of Sweeney*]

Peruvian Angel, I was born in Havana I came to San Francisco last September I follow the sea, I brought Segars to Committee room for Pat Sweeney, I heard of Sweeney being in Prison at Hennessey I am in the habit of going to Hennessey I am intimate with Pat Sweeney—I boarded with Schofield and while I was gone to the Islands Schofield run away. I met Pat Sweeney who told me, I have seen Pat there Porteguese Jim (I believe he has gone to Sydney) Mr Yates—(I believe he has gone to Sydney)

[*Statements. Case of Quick, alias Tanner or Turner*[1]]

San Francisco Augt 21—/51 Agreeably to the order from the Executive Come of V. C. dated Aug 19./51—

I proceeded to Martinez to arrest Joseph Turner—I found him at once & arrested him he & his Wife Stated to me that they came from London dir[e]ct 16 mos since to this City—&

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[1] See documents of June 14 to 16 for earlier references to Turner, Mrs. Yates, the murder of Brewer and the robbery of Robert's jewelry store.

were married 10 mos since—& that they both took in Washing now for a Livelihood he Washing and she Ironing—I could not learn of their Committing any offensive acts in Martinez they both knew Sam Whittaker Mrs T. has a Father & Mother living in this City She is about 18 years old—They have both stated to parties in Martinez that they came from Sydney—Mrs T has stated to Mrs Hawkins of M— that Turner was not their real name—They Have lived in San Francisco & Benicia also I consider Mrs T. a depraved woman She appears to possess the ruling genius—Owing to the discrepancies of their Statements as to whence they came & their acquaintance with notorious & bad men I arrested him. I searched their House Thoroughly & did not find anything suspicious—except a few Watchmakers Tools —which are in your room—

Respy
[Signed] John W. Cartwright

To The Ex Come of V. C. San Francisco

Charles Stewart, If I were to see Tanner, Turner, alias Thomas Quick, I would know him, *Prisoner brought in and recognized as, Turner alias Tom Quick,* he Turner came to my House on Saturday, and Brewer was killed on Sunday I have seen him in company with a man nearly of his own make, about two-months since, say June 1st or thereabouts, on the Monday following the time he came to my House Tom Quick was taken up for the murder of Brewer, he got out of Prison and came back to my House, he remained at my House with his Wife four or five days, and then left, *Turner denies ever having gone by any other name than Turner*—Brewer came to by House on Sunday Morning Turner came day before they seemed to recognize each other, talked and drank together, and in the afternoon they went out together, I went with Brewer to a House in Pacific Street kept by Miller we drank together again, I left Brewer near the City Hall, a colored man came to him, Brewer and took him away and I went home, I became acquainted with Brewer while I lived at Mrs Ryan, this was about seven months since, I knew Sam Whittaker at that time at Mrs Ryan's with whom he lived, I saw Brewer have one bag of gold Dust, my wife is the Daughter of a man known as Wall top of Broadway, I did not know a family by name of Gamble top of Broadway, I never attacked any man to obtain money from them, I do not know any families

Turner states that he left the Port of London in the Brig *John* in 1833 for Sydney I left as a Servant to Capt Wright of the 50 Regt and came to California about thirteen months since—

Three of the Tools Turner says that he got from Mr Felts Barkeeper in Happy Valley he gave them to me, Mr Felts saw them I have no doubt the other two I brought out with me

Julius Henry Robart— I have seen the man Turner in my Store in Dupont Street, I do not recollect—I have seen Turner's wife several times in my store in Dupont Street

Mrs Jane Yates— One of the men who was with Swan at the time he gave the watch to my husband came to my house this morning and I sent a young man for a constable he could not find one—and came to the Committee room to give information—

This mans name is James Smith—he is about 6 ft high—fair complexioned—&c—

William Hughes alias Swan is in town—on the night that Elleard—Hossefros & Spence came in to my house—I had been carrying some clothes home—the parties were burned out and I could not find them—on the Sunday my husband was taken—

As I was going down the street one day I met Belcher Kay—James Smith—Hughes alias Swan going into my door as I was going out When I came back they were all gone and my husband wanted to go out and I would not let him go—and he struck me—and I screamed out—at which time there was a knock at the door—I opened the door three officers came in—I saw they were determined to take my husband—and I asked him to give me what money he had and the watch—he refused to give me either of them—he saw he was compelled to go and gave them to me—(on that watch he was convicted) two pistols and a bowie knife were in my box when I left the house, they belonged to my brother. My brothers name is Peter Smith. I have tried several times to recover the pistols and knife but have been unable to do so—I did not return to my house that night as they kept me in the Station house all night—and I sent for O'Conner who had me bailed out the next day. My husband remained in the Station House—Jim Smith is a stout man tall about 5 feet 11 or 6 feet Light complexion, brown hair, dark eyes—

August 27 Mrs Yates states that she never saw this man before

Daniel Burdick— I am a native of Rhode Island, Engineer on Board of Steam Boat I know nothing of Hughes, alias Swan—Turner or any of the Gang charged with stealing

Jane Yates, I am a Native of Dundee Scotland I left Scotland in 1845 the Port of Glasgow in the Ship *Emma*. Capt [. . .] for Sydney [correction interlined] for Hobart Town Van Dieman' Land we my Husband & myself remained in Sydney one month, we left Sydney about sixteen months [ago] by the *Sacramento* for San Francisco have been here about thirteen months

We were three and a half years in Hobart Town Van Dieman' Land I had two shops, Cabinet Makers Shops Neither my Husband nor myself were transported, never knew that Van Dieman' land was a Penal Colony, after we arrived in San Francisco, we lived at the North end of Stockton Street, there I took in Boarders Washing, Sewing &c— The following persons boarded with me in that House—Graham a Cabinet Maker, James Smith my Brother Adams (now in Prison) I moved from this Place to Virginia Street it was in the month of May I lived there one month after the fire of June I went to the upper end of Stockton Street towards the North Beach where I now live, I take in washing no men frequent my House at all

M^cIntyre told M^rs Thomas who keeps the El Dorado that Adams lived with me my Husband is in Jail now for stealing a watch, I know Thomas Tanner, he is a married man, he left about four months ago, I do not know where they now are, the watch was claimed by a Frenchman, I saw him [in] Court at the time of the trial of my Husband, The man Tanner, Turner's proper name is Thomas Quick, there was a man called Swan, whose name is William Hughes gave my Husband the watch, when Hughes was in Prison my Husband used to take food to him so did I—when Hughes came out he made my Husband a present of the watch—Parbut was Counsel for Hughes, Hughes gave the watch to my Husband in our House in presence of George Patterson who keeps a Store at the North Beach, I think he is an Irishman, Patterson came very often to our House, Thomas Quick's wife came from Hobart Town before the May Fire she was in my House a few hours only, when he came for her, he took his wife up the River she stopped at Burns after her arrival I knew Osman, Jack Edwards, I knew Sam Whittaker, I knew T. B. Kay when my Husband was taken up I went to T. B. Kay House to look for Hughes, Kay & Hughes—I knew Teddy M^c^Cormick I knew M^c^Cormick & Whittaker at the Port Phillip House, I knew Whittaker when he stayed with M^rs^ Ryan at the Rose Cottage, because I used to go there for Porter

Jimmy from Town robbed me of $800 in Gold dust, One Gold Watch 1 Silver Watch, seven gold rings, one Gold Locket M^r^ Patterson was in my House at the time Jemmy from Town robbed me Mr Patterson, knocked the door open at the time Jenny from Town was robbing me, I screamed, Jemny from Town hit Patterson and gave him a Black Eye—with Jemmy from Town there was a small chap he wore a red shirt has a cock eye is called cockeye, the other was a stout full faced fellow, *called fatty*. I never got the things back, this took place Gambles, Gamble is gone Patterson says that Gamble is in Town, I have heard that Gamble Stole and also heard that he was connected with a parcel of Thieves Carr the Constable told me & my Husband at different times about Adams Hughes, Whittaker & M^c^Cormick, said they were Thieves, Adams and Hughes lodged at my House— T. B. Kay was twice at my House in Virginia Street he came there to look for Hughes alias Swan—he always paid me his board $12 per week, he was at my House about four months altogether, I washed for himself also—I do not know what he done for a living he said he was a Tailor, I do not know when he went to Bed or when he got up he did not follow Tailoring in my House he said he had plenty of money to keep him while he was here, sometimes he would be gone for two days sometimes for a Week—I never saw anyone call to see Hughes or Swan during the whole four months —he boarded at my House in Stockton Street up to the Fire of May—M^c^Cormick has been at my House in Stockton Street he came to see Swan or Hughes—

I have seen Whittaker with Hughes or Swan, Jack Edwards, M^c^Cormick & T. B. Kay, I have seen these men together frequently at the Port Phillip I have seen Dick Osman and his wife in this City within three weeks—There is one by the name of *Sam* out at the Mission he was also one of them, he is a tall man light hair, light complexion rather Slender, he is living with a Mexican Woman—he has been seen several times there, I do not [know] where Hughes has gone to, shortly after the time my Husband was arrested I have been looking out for Hughes or Swan, also Sam for I believe they were the ones who committed this Robbery

I lost this Jewellery before the June Fire I saved this $800 I saved from my Brothers Money and the money paid by Hughes the rings I brought from Hobart Town the Gold Watch I brought from Home with me, the Locket I bought in Clay Street, M^r^ Thompson gave me the Chain for the Locket before he went home, Thompson is from Hobart town— he has gone home

Mr Robart confronted with Mrs Yates Mr R. says he saw her in Court, Mrs Yates does not recollect Mr R—

Gamble is a faired hair man tender Eyes, he used to have all these Thieves about his place, stolen property was taken to his place, I heard that he was in Prison, but that he got out

Questions to be put to Turner

1. What connexion have you with a certain Sweeney at Martinez, which is the actual trade of said Sweeney?
2. Did Sweeney follow a business in San Francisco, and which was his business?

3. Have you familly connexions with Mrs Sweeney, for which reason did you wish to speak to her at the time of your arrest at Martinez?

4. Who was the person that left your house at 4 or 5 oclock on the morning you were arrested?

5. Was the person who left your house not a so called sailor, what is his age?

6. Did he not wear a red shirt?

7. Give us the names of the persons who were, two days before your arrest took place, busy all night in moving goods from your house

8. Why was Mrs Turner surprised of your arrest?

Mrs Hall fears to appear before the Committee and she does not live any more at Mr Austins.

THURSDAY, AUGUST 28, 1851

MISCELLANEOUS PAPERS

[*Statement of Mrs. Turner*]

Aug. 28, 1851.

Mrs Turner, Wife of Joseph Turner, now in custody. I have been married 10 months. I have been acquainted with Turner 2 years he came in the same ship with me.— I never heard he was transported.—I knew him as a Surveyor.— He has been a waiter in Sacramento House—He was 1 month in a Restaurant (Miners) Long wharf He got a sore hand there—we staid at mothers a month or 2. afterwards at Underwoods. I dont remember being in a Jewellers store except a little while before my marriage—I was in a Jeweller's store, I dont remember if in Dupont St where my husband sold a gold watch. Turner has been washing and Ironing—digging a well & working at blacksmithing for Mr Swayne at Martinez.— He knows Mr Buckler.— I dont know Swan or Hewes or Osman.— I knew

Whittaker where I was born, at Maitland.— Whittaker was grown there.— He wanted to marry me & threatened Turners life.— My husband saw him at M^rs^ Ryan—but my husband never lived with *that* M^rs^ Ryan—He did live with M^rs^ Ryans near Stockton S^t^ towards the Hospital—we still wash and iron at Martinez: M^rs^ Hawkins had a watch stolen there & had the men up for stealing it. I never was accused of it.—There are in my house 2 or 3 files a pair of nips & several other tools he works with. There are no cellars trap doors &c at my house—There is 1 pistol in the house a single barrelled one. I know M^c^Auley. He never said to me that my husband gave him a wink so that he should not recognize him. M^c^Auley keeps the Dan O'Connel house—I arrived here the day before the fire about a year ago. About 7 mos. after I arr^d^ I was married. I was in bed with my mother the night of that fire. My little brother was in bed with Turner. . . . There were 7 of us at that time.— Turner & my brother were in one bed & the rest of us in another. Turner is worth about $150., to $200. I suppose.—The man that gave him those tools was Geo Lyons. He has gone to the States. I picked one up at Tells house, a screw driver, box wood handle, one pair of nippers are lost. My husband went from Aylesbury Eng. to the Colonies.— My husband has been living with Fred. the German, 7 years. He was selling jewelry that was said to be stolen for a Jew he lived in happy [Valley?].— he was about a fortnight in selling it. Watches guards & all kinds of jewelry. It was here.— He was lodging in Pacific S^t^ with a Jew & Jewess with 2 children just above the Calabosse. I think his name was Lewison.— This was about 4½ months since. I have been at Martinez about 11 weeks.

Edward L Williams. San Francisco Aug 28. 1851
To the Executive Committee—

Gentlemen—This morning about half after Ten there drove past me in Jackson St a Barouche or Carriage drawn by a span of Bay Horses— The body of the Barouche is of a dark green—on the box seated with the driver there was one of the confederates of "Osman" and his gang—

[August 28, 1851]

This man is very stout built, face of a florid color and the writer thinks has lost a front tooth from his dress and appearance might be taken for an English Coachman— At the time of "Osmans" trial in Monterey he went by the name of "Jackson" he kept there a low eating and drinking shop and was also a Butcher— "Parbut" Osmans lawyer tried to prove an alibi for Osman and introduced Jackson to testify that O and the others were in his shop drinking at the supposed time of the Custom House robbery—this failed—Jackson was then introduced to prove the good character of Osman which he testified to in about the same words as "Whittaker" and "Carlye" (alias Stuart) the three being all used for the same purpose by "Parbut"—attorney for prisoners—

Upon the cross-examination conducted by the Prosecuting Attorney (Col. Weller) there was elicited from "Jackson" that he went to Van Diemans Land in a Govt. Vessel, that he paid nothing for his passage, that there was some two or three hundred passangers besides himself—

The Court would not allow Col. Weller to ask a Witness whether he had been a Convict or not or if the question was asked no Witness answered it, on the plea of self crimination—

However, there was enough shown to convict every hearer that Jackson had been a Convict and to impress every one with the belief that "Jackson" *was a confederate of the gang—*

Immediately after the trial Jackson sold out and left Monterey and your writer has not seen him since until this morning—

Should the Executive think fit to arrest this man or give him intimation that he must leave this Country then, the writer will do all in his power to aid in the search for him and he does not apprehend much difficulty in effecting his object—

All of which is respectfully submitted by No. 650—

[Signed] Edw. L. Williams

San Francisco Aug. 28. 1851

[*Police Order*]

Chief of Police

You are directed to accompany Mr Williams, who will point out one Jackson, whom you will arrest and bring before the Committee of Vigilence and herein fail not

Done by order of Executive
August 28th 1851
[Signed] S Payran

Attest G. W. Ryckman
Sec. pro-tem.

[Annotated:] In the rooms

D J T [Thomas] Jr

FRIDAY, AUGUST 29, 1851

MISCELLANEOUS PAPERS

[*Resignation of the Sergeant at Arms*]

San Francisco August 29. 1851

To the Executive Committee of the Committee of Vigilance

Gent. You will please accept this my resignation as Sergeant at Arms of the Committee of Vigilance. Thanking the Committee through you for the honor conferred upon me[1]

I have the honor to be Gentlemen
Respectfully Your obt Servant
[Signed] A. J Mc Duffee

Executive Chamber
August 30th 1851

The Executive report herewith the resignation of A. J. Mc Duffee the Sergeant at Arms, and desire that D. L. Oakley be appointed to fill said vacancy,

The Executive particularly recommend Mr Oakley having at all times proved himself worthy of trust and confidence

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman
Sec. pro-tem.

[Annotated:] Adopted

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[1] See p. 418.

[*Communication from J. P. Muldoon*]

San Francisco Aug 29th 51

To the Chairman of the Executive Committee

Sir I have been refused admittance to the Committee room for what I do not know. unless it was because I was intoxicated on one or two occasions. I wish to be admitted again. and I think you will not have the same complaint of me again. I would have made application before but waiting an action of the Committee as I supposed they would expel or admit me

I am yours &c

John P Muldoon 317

Executive Committee Report in the Matter of No 317 that they consider the apology of John P. Muldoon good and sufficient, and earnestly recommend that No 317 be restored to the Association[2]

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman
Sec. pro-tem.

[Annotated:] Ordered that he be re admitted—
reconsidered—
refered to Qal [Qualification] Com

SATURDAY, AUGUST 30, 1851

MISCELLANEOUS PAPERS

In the Matter of Capt Harding [*Canning*]

Executive Chamber
August 30th 1851

In the Case of Capt Canning of the Brig *Hallowell*, charged with murder Your Committee report That they have had Capt Canning in Custody and examined all the Witnesses for and against him, but finding no ground for his detention your Committee discharged him[1]

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[2] See note 2, p. 165.

[1] The *S. F. Herald*, August 26, 27, reported that the Committee delivered Captain Canning to the recorder for trial, and that he was discharged after examination.

All of which they respectfully present for confirmation
[Signed] S Payran
Attest G. W. Ryckman Presdt of Ex Com
Sec. pro-tem
[Annotated:] Adopted

Charles Gesenius, I am Super cargo of the Brig *Hallowell* about 12 OClock at night of Saturday the 23^d^ inst. I saw a Boat coming toward the Brig, I apprized the Capt of it, suspecting the man was after no good, the man came up the side, Capt asked what he wanted, and ordered him down. not going down the Capt struck him on the shoulder with a Pump handle, when he descended I think he slipped and fell in the water, all means were used to save him, but the current being strong it swept him away—the Capt took a Boat and tried to save him, and we were obliged to send the Ship's Boat to save the Capt
[Signed] Charles F. Gesenius

Charles Stedman, states that he did not see the man nor was he present at the time when the man offered to come on board, but being told that a man was overboard, I used all means to save him [Signed] Cha^s^ Steadman

[*Report relating to Convicts*]

Executive Chamber
August 30th 1851

Committee Report That in the case of
William Alderson a convict
James Roach—a Convict
William Clay } These two are implicated by Sanphy
Patrick Sweeney } with being connected with M^rs^ Connolly in taking a large amount of money from Sanphy, the character of these men do not stand fair—
William Clay implicated by Whittaker.[2] In this case we have examine the man and find that the report is true therefore the Committee have settled up his business

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[2] See p. 481.

William Barclay	Convicts from Sydney
Richard Garland	do do do

The Committee have ordered that these men be banished from the Country by first vessel three of them have means—one of them 4£ three of them nothing, all of which is respectfully presented to your body for confirmation

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman
Sec. pro-tem

[*Order relating to Convicts*]

Ordered by Committee that W^{m} Alderson James Roach W^{m} Wilson W^{m} Clay W^{m} Barclay Pat Sweeney Richard Garland be sent out of the Country at once.

Bark *Petrel*,[3] Capt Burne for Sidney agents M^{c}Kenzie Thompson & Co or W J Balley & Co will take the passengers at $50 each will sail on Monday 8th Sept—

Your Committee respectfully suggest the propriety of appointing a Committee to ship the Prisoners now in Custody

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman,
Sec. pro-tem

Cartwright Tuffs & Bohrer Com of 3 to ship prisoners

[*Report on various Prisoners*]

Executive Chamber
August 30th 1851

Your Committee Report That they have in Custody and under examination the following Prisoners to wit

David Earl	Implicated by Stuart & Whittaker
Robert Ogden & wife	Implicated by Whittaker

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[3] The bark *Petrel*, Captain Blackburn, cleared for Sydney September 9 (*S. F. Herald*, September 10), but voucher No. 43, p. 782, shows that the prisoners of the Committee were deported on the brig *Zone*.

Turner & wife—Turner was charged with murder of Brewer suposed to [be] guilty of Robbery

Jane Connolly—of Jenkin Notoriety also Saphy her Husband

On which cases they trust to be able to report on next night of meeting

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman
Sec. pro-tem

In the Matter of Robert Ogden implicated by Whittaker—

Daniel L. Crouch, I know the Prisoner he is Robert Ogden, about a year ago, he kept a Grog Shop on Broadway called Live and Let Live, I believe him to be the man implicated by Whittaker. I know nothing more of him Ogden says that his place of business is in Marysville— (Boards at M^rs Watts Mission Street)

[Signed] Danl L Crouch

Robert Ogden, I was born in Manchester England I am about forty five years old, I left England 24th Augt 1841 in the Ship *Carthagenian* Capt Robinson, I left the port of Liverpool for Sydney, I was assigned to Cosslin & Brown, Sydney, I arrived at San Francisco in January 1850, I had one single Penny when I arrived Myself & wife commenced washing—after washing for four months, I built a *Big House* corner of Broadway & Montgomery cost me $1174, I called the House the Daniel O'Connell, I paid for it, I let that to Mr O'Meara, after giving up washing I kept the place called the *Live & Let Live* in Broadway and Montgomery I kept it until 15th last March, I took $690—I got $125 for the Daniel O'Connell

Mrs Ogden

I knew Teddy M^cCormick, he was brought to my House from on Board ship when he first came, he was brought by a woman named Beckett—the man about whom my Husband was jealous is Thomas Smith lives behind Crockstein & Ward on Broadway

[August 30, 1851]

[*List of Passengers on the Mary Catherine*]

Executive Committee
August 30th 1851

Committee Report That the subjoined list of Passengers who have left by the *Mary Catherine*, was politely furnished by Bally & Co—among the list there are many persons who were implicated by Prisoners in our charge,[4] some of whom your Committe have been in quest of

Your Committee thought it prudent to let them depart

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman
Sec. pro-tem

List of passengers—sailed on board "*Mary Catherine*" Captain Fox for Sydney—August 29, 1851

James McCay
J. N. Harriss
Thomas Brooks X
Thomas Summers X
John Sullivan X
——— Connell X
Martin, wife and 3 children.
D Robinson.
Patrick Butler
William Shaw
John Sinclair X
Mrs & Mr Parsons
———Barnes X
J. A. M. Antony
Luke Ryan X
Broderick and Son
——— Steel
W. Lellian
———Landgrine
George Frith
Mrs Miller

Dr Welsh and wife
Joseph Smith & wife X
James Barton & family
Mr Hagerty
Mr Holden X
Mr ONeal
P. Mc Courey
Cornelius Moran & family
James Mullear
Jno. Poynter and wife X
Robr Mc Roberts
Geo. Harrex
Thomas Weeks
James Gammell
Peter Heffern
Richard Handers
F. Hescham
Pat. Doyle & family
T. W. Andrews
H. Hitchcock
Nicholas Mc Neal

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[4] Most of the names checked in the above list have appeared several times in the records of the Committee.

Joseph Plunkett X
Charles Leary
Michael M^{c} Meekan
A. Campbell
Charles Brooks & wife X
P. Mac Lynch
Barnard Gollar
Jessie Hack
Geo. Walker X
W. Macgregor
Brian Dooley
Jno. Harrison
M^{rs} Scott & 2 Children X
Pat. Halliman
Ja$^{s.}$ Landrigan
Britton Jones X
T. Davies
Rich$^{d.}$ Mahon & wife—

[Addressed:] With W. J Balley & Co's Compliments—
To The Executive Committee—
Pacific wharf Aug 29. 1851

[*Report on the Resignations of Spence and Mellus*]

Executive Committee
August 30th 1851

Committee report The resignation of John F Spence Geo: Mellus, two members of the Executive which they hope may be accepted

And would present the names of Capt Cartwright & Nathaniel Miller (N. Miller) to fill the vacancies

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman
Sec pro-tem

[Annotated:] Adopted—

[*Request for Leave of Absence*]

Executive Committee
August 30th 1851

Lloyd Minturn and Charles S. Woods Members of the Committee of Vigilence desire leave of absence for two months and remission of Dues and fines for that period

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman
Sec. pro-tem

[Annotated:] Adopted

SUNDAY, AUGUST 31, 1851

MINUTES

Minutes of General Meeting Aug 31. 1851

Co^{l} Jas B Huie in the Chair

Minutes of previous meeting read & ap

Report of Ex Com in the Case of Harding & Ollinger arrested on the charge of murder—Ex Com report that they have examined all the witnesses in the case and find no grounds for the detention of the Prisoners Therefore discharged them—

MISCELLANEOUS PAPERS.

[*Case of Harding and Ollingen*]

Executive Chamber
August 30th 1851

In the Matter of Harding & Ollingen arrested on suspicion of murder Your Committee report that they have examined all the witnesses in the case, and find no grounds for the detention of the Prisoners,

Therefore discharged them

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman
Sec. pro-tem

William Cummings, I know the Prisoner William Harding, about one Year ago I was in the Eagle Saloon, about 9 OClock at night I left the Saloon to go home, I was struck with a Slung Shot by some person, which caused me to fall into a hole I was pulled out by some person, afterwards I was told by the Barkeeper of the Eagle, that the person who struck me was in Jail, I went up to the Jail and recognized this man Harding,

Next time I saw Harding was at Clarks point he was pointed out to me as a very bad man, a few days after Harding had difficulty with a man by the name of Wooley Kearney, and they went over to the Island and fought for some amount of money, since then Kearney has told me, that Harding had stopped at his House spent money pretty freely, and would afterwards would go to his Kearney's drawer and take money

[Signed] Wm Cummings

Mr Parrant states that he saw the two men arrested and assisted to bring them in, knows nothing about the men, a man who keeps a small drinking shop on the Mission road, near the Bridge on the Plank road, he said that he had suspicions that Harding had killed the man whom we had found dead near the Mission

[Signed] Charles L Parent
" Richard Harries

[Annotated:] Harding & Olligen discharged By order of Committee

Foster E. Tarbett: *Prisoner brought in,* Witness says that he (Harding) is the man that called at my House on the Mission Road near the Bridge, he called at my House on Monday the 18th August, he came in and took something to drink with another man, whom Harding called Kearney (*Prisoner admits that he was with Wooley Kearney at House of Tarbett*) Witness states that Ollingen a Prisoner presented to him called next day at his House 19th August, they came together drank I saw nothing out of the way they seemed to be intoxicated, I know nothing further—except that a Coat which you have in charge was found near the Body of Thomas Wheeler,

[Signed] Foster B Tarbet

William Carey Jones, I knew Thomas Wheeler whose body was found supposed to have been murdered, I know nothing of how he came by his death except by information, I do not suspect any Person of the murder in particular (*Harding & Ollengen brought in*) I do not think I ever saw them before

Coat shown, I do not think the Coat ever belonged to Wheeler, Mr Wheeler came out with my Brother in Law Mr Fremont

[Signed] Wm Carey Jones

August 23^{d} 1851.

Samuel Brannan Esq examined, States that he arrested the two Prisoners William L. Harding and John Olligin,

On the Evening of the 19th when coming into Town in my Buggy two men passed me on Horseback and on a Gallop, one of them tumbled from his Horse (John Olligin) and I halloe'd to the other to come back and held his friend on to his Horse, he came back cursed him and damned him & told him to get on his Horse and come along, from his treatment I supposed he had some design upon his companion, (Ollingin) got on his Horse and rode on, after thinking of the matter I concluded to stop them and ask them some questions, I drove up alongside and told them to stop, they turned their Horses went into the Brush and put off on a run, I jumped from my Buggy and pursued them, threatened to shoot them if they did not stop, they continued their run, and made their escape, I then got in to my Buggy put my Horse on a run till I reached Home, which is Mission and Third Street on Plank Road, I then ordered my Horse to be saddled to go in pursuit, also stationed my servants to keep a look out and inform me when ever any one should pass on Horseback, a few minutes after the man Harding came along on a walk past the House Notice was given me, I went out and arrested him, I asked him for the man who had been in his company, he said that he had left him at the Ranché, I asked what Ranché, he said he did not know, I asked him for the name of the man, he said his name was John Carson I asked how long he had known him, he said he had known him eight months, afterwards said he had known him two years ago in the City of New York, I asked Harding how long he himself had been in California he answered three years, I asked him how long he had been in Town he said he arrived on the 17th from Sacramento, I then told him to mount his Horse and go along with me to find the man who had been riding with him, he seemed to be alarmed and not inclined to go and pretended to be very Drunk, when C. L Parrant and Richard Harris came up (who had found a dead body between my House & the Mission a few hours previous) and stated that that was the man who had murdered the man whom they had found having been pointed out to them, as he rode by at the time of finding the Body—I then insisted upon his mounting the Horse and going with me, at which time John Olligin came in sight riding on a walk, I also arrested him, and asked him what his name was, he said his name was John Olligen, I asked him the name of Harding—he said he did not know his name, and never had seen him before in his life, I asked them where they had got the Horses, the said they had got the Horses at Clarks point. I insisted upon them mounting their Horses which they did and I brought them into Town in coming up Kearney Street and when opposite Mallett's Stable, Olligen's Horse turned into Mallett's Stable, and I learned from that, that the Horses belonged to Mallett—Hostler stated that Harding had hired Horses for three days previous, that on the 19th Harding took the two Horses, and had another man in company not Ollingen, I wished then to take the Prisoners into the middle of the stable to the Lamp to see their faces, Mr Mallett stepped up and said I should not do it I asked him why—his objection seemed to be founded on some objection to the men, I asked Mallett his name. he told me, I then turned to the Prisoners and told them to go with me, they desired to know where I was going to take them. I told them to the Committee of Vigilence, Bill Cummings took charge of one, Geo: Howard of the other, and I on Horseback,

on coming into the room I recognized the man Mallett in the room, Harding stated that he had been on board the Ship *Columbus*, and that the stripes on his back had been inflicted on him there

The man murdered was a Colored man, lived with Tenbrook at the Mission and had been murdered about two weeks previous to the 19th

Harding stated that he slept at [. . .]

[*Police Order*]

There is a House situated on the West Side of Dupont Street first House South of Jackson Street, kept by [. . .] Pat Sweeney had some Boxes there

Marshal Thomas

You are hereby deputed for this special duty and to take in charge all Boxes Trunks &c belonging to Pat Sweeney or M^rs^ Connolly and bring them and the party into the Custody of the Committee of Vigilence

Done by order of Executive
Aug 31 1851
[Signed] S Payran
Presdt of Ex Com

[Endorsed:] Searched the house & found only one box that S identified—that is in the room—

Ascertained that Mrs C's husband died *very suddenly* of *apoplexy* & that Saphy *left the house the next* day & afterward married the widow within the next 90 days—Mrs C was barkeeper for Burns— Wright was in my custody for a short time but I had no charge against him—was told that a blacksmith who lives on the opposite side of the street is a *chum* of Sweeny's but the persons keeping Holmes' hotel think he is an innocent man

[Signed] D J Thomas Jr
Marshal & Acting C of P

[*Order for the Arrest of Thomas Smith*]

Chief of Police

You will depute a guard to proceed and bring before the Committee one Thomas Smith and bring with you any watch or watches you may find, you can take Robert Ogden with you and bring him back

Done by Executive
Aug 31 1851
[Signed] S Payran
Presdt of Ex Com

[Annotated:] The undersigned have searched for Thomas Smith with Rob^t^ Ogden who knows no more than the man in the moon where to find him—we are therefore obliged to return this order unsatisified. Brought Rob^t.^ Ogden back—

[Signed] J. S. Ellis
" Hawthorne Ellis
" Thomas Goin

[August 31, 1851]

[*Communication from D. L. Oakley*]

Committee Rooms San francisco
Aug 31st 1851

To the Executive Committee.

Gentlemen. I hereby tender my resignation, as collector of fines & dues, and at the same time would suggest the names of J W Hartman No 201 or A J Cornell No 614. as gentlemen well calculated to fill the post, and willing to devote their time to its duties.

Allow me also to express my thanks, for the kindness exhibited towards me, in reccommending my name, for the vacancy made by the resignation of A J McDuffie Esq, and shall endeavor to show my gratitude by fullfilling the duties of my office, to the extent of my ability.

Respectfully &c &c
[Signed] D. L Oakley

[Annotated:] A J Cornell in place of Oakley
[Addressed:]
To the Executive Committee
Present

MONDAY, SEPTEMBER 1, 1851

MISCELLANEOUS PAPERS

Order of Executive Committee to Sergeant at Arms.
Case Connolly

Sergeant at Arms

Is requested to send and bring from Corner of Sansome & Broadway, House of John Welsh, a Trunk or Box of Clothes & Bed & Bedding belonging to Mrs Sanphy or Connolly and bring them to Committee Room

Done by order of Executive
Sept 1st 1851
[Signed] S Payran
Presdt of Ex Com

Attest Isaac Bluxome Jr
Secretary

[September 1, 1851]

[Annotated:] The above order has been performed by 594 [B. L. O. Gauvoreau] at 12 oclock Sept 3 1851

[Signed] Dan^l^ J Thomas Jr
Marshal

[*Police Order*]

A Man by the name of F. L. Walsingham charged with Forgery has made his escape from Sonoro—

Walsingham is about 5 ft 6 or 7 in high, stout made, florid complexion red hair & whiskers (if not shaved) wears his whiskers round his chin he came into the City on the morning of 31st August by the Stockton Boat

Chief of Police is hereby directed to place his guards at such places as he may think best and detect and bring into our Custody the said Walsingham—giving also such facilities as Mr McFarland may desire who has the writ in his possession for the arrest, and make report to the Committee

Done by order of Executive
Attest Sept 1st 1851
[Signed] S Payran
Presdt of Ex Com

[Annotated:] Left for San Jose to which place Mr McFarland Marshal of Sonora has followed him

[Signed] W O Smith
Chief of Police

[Addressed:]
To the Chief of Police

[*Case of James Chase*]

James Chase—Who stole from 3 to 4 oz Gold Dust from me at Parks Bar on the 28th August 1851 he is about 5 ft 8 in high stout made at the chest, Black Hair & whiskers dark complexion—very wide between the Eyes he has been traced to Marysville—he carried a full sized Colt's revolver, and a small one also a Mountain Rifle—he is about 40 years of age

[Signed] John C Chapman

Blown Gold—2d of it is blackish—one piece weights 7½ one other 2½$ in shape of an heart one piece wghs 1.9 oz it is very thin remarkably so owner resides at Parks Bar—

One of the fingers third one on the hand either right or left hand is turned in and cannot be straightened—

The above is the description of James Chase

Chief of Police Is directed to detail a guard as a lookout for Chase, and arrest and bring him before the Committee, it is expected that he is now or will be shortly in Town to escape by some Steamer or vessel.

Done by order of Executive
September 1st 1851
[Signed] S Payran
Presdt of Ex Committee

Return this Document when executed, with report endorsed

TUESDAY, SEPTEMBER 2, 1851

MISCELLANEOUS PAPERS

[*Police Order*]

Chief of Police

You are requested to take measures touching the subjoined Documents, so as to secure the arrest of Kelly named therein—

Also to arrest Spires and Swan who are said to be about the Mission Dolores

You will return the Documents with report endorsed thereon

Done by the Executive
September 2nd 1851
[Signed] S Payran
Presdt of Ex Com

Capt W D Harrington Says Kelly is to be found at Michael Foley's, is not to be seen, except at night, other bad characters are sometimes there. Kelly ask Capt H—s man, to secrete him at Cap H—s House, but was refused, Foley lives at the mission,

Capt H—resides 3 miles west of Angelo's his house is on the Santa Cruz pass, know that many horse thieves & other bad men congregate near him, will supply horses and aid if required at any time,

Refers to
Capt Chadwick Store W. G Haut
Page, Bacon & Co
Grayson, Guild & Co
Clayton
Agnew Battery opposite V. C—rooms
[Addressed:] [Signed] D L Oakley
To the Executive Committee
Present

[*Police Order*]

Executive Committee
San Francisco Sept 2nd 1851

Chief of Police

You are requested to detail a look out for Hines, Stanley and McDougal whose description is hereunto annexed it is supposed that the said Culprits are in the City or hourly expected, if found you will search them and bring whatever you find with the Prisoners into the custody of the Committee

Done by order of Executive
September 2nd 1851
[Signed] S Payran
Presdt of Ex Com:

You will be careful to return these Documents with your report endorsed thereon

San Francisco Sept 1st 51

On the 13th Aug A Robbery was committed on on the persons of Charles Thomson Hiram Stevens & Joseph Radcliffe of Winslow Bar North Yuba on the Downieville road about 3 miles from Dobbin's Ranch. Description of the Robbers

The first was a man about six feet tall Dark hair, black mustaches, Dark Brown or black beard, a florid complexion naturally dark had on a broad brimmed Manilla or straw hat His name I think is Hines [Annotated on margin] Hines

The second was about 5 feet 8 inches naturally light complexion but now bleached Had long light hair & light sandy whiskers, has a scar on the right cheek extending to near or just below the corner of the mouth, His name is Stanley, Heard of him in Landan's Bar on Yuba had shaved his whiskers off & called himself *John Alcott*[?], has been twice drove from *Sac City* he is supposed now to be in this vicinity [Annotated on margin] Stanley

The third was a short thick set man full round face long reddish or sandy hair & light whiskers His name is supposed to be *M^{c}Dougal* [Annotated on margin] M^{c}Dougal

Amount of robbery about 5,000 dollars

Viz	Thomson	2,300
	Stevens	2,450
	Radcliffe	,200

[Annotated:] Direct to M^{r} Bowen Dept^{y} Sheriff of Marysville

Committed 21, August

J Stewart. Sept 2, 1851. North Beach

North Beach San Francisco 2 Sept 1851

To The President of the Executive Committee of the Committee of Vigilance Present

Sir I have the honor to address you in regard to one whom you have now confined within your Rooms by name William Wilson[1] and to prove that I only meddle with what concerns me in this matter I have simply to state he is my wife's Cousin and that she in conjunction with myself feel very severely his being deprived for the first time in his life of his liberty,—even on suspicion.— I have therefore to request respectfully but firmly, that he be brought to trial for whatever he may be charged with, or if that should be deemed premature by your Committee that he be allowed to go at large upon bail which I am prepared to deposit in Cash in some safe Bank or I will hold myself prepared to find the responsibility of some [of] the most respectable men in Town even to members of your Committee who will gladly come forward in a case of common humanity like the present to guarantee that he will voluntarily come forward at any reasonable future period you, Sir, may deem proper to appoint.—

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[1] This may have been the boatman implicated by Whittier (p. 481), and, perhaps the Wilson named on pp. 428 and 557. He was discharged (p 596).

My only reason, Sir, in asking this much is, not that I fear any just trial that he may be brought to for any action of his life, but, that I do fear for his health, his very existence as I am persuaded from what I saw yesterday & knowing his delicate constitution and sensitive mind that something serious will happen either to his brain or bodily health thro the course you have seen fit to adopt with regard to him.—

I have the honor to be
Sir
with respect Your Ob^{dt} Serv$^{t.}$
[Signed] J. Stewart

THURSDAY, SEPTEMBER 4, 1851

MISCELLANEOUS PAPERS

C V Gillespie Sept 4. 1851

Dear Sir,

M^{r} Nugent will have a certified copy of the Govs Proclamation—pardoning Charles Duane, sent to him this evening—when he will forward the same to you immediately, The document is in the County Clerks office—and as the person in charge of such records was absent, I could not obtain the pardon myself.

I believe that this community will hold us responsible if we allow so great a rascal as Duane to go at large, I have already had it said to me, that if the Committee are consistent they will either confine Duane or send him out of the country,

You can depend on my aid tomorrow in any course you may see fit to adopt. I would like to be with you this evening but an important engagement prevents, in haste

Yr's Obedient S
[Signed] C. V. Gillespie

4th Sept 5½ p m
Mr Payran

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[1] John Nugent, editor of the *S. F. Herald*, which printed the Governor's pardon of Duane in the issue of September 5.

FRIDAY, SEPTEMBER 5, 1851

MISCELLANEOUS PAPERS

[*Orders*]

Executive Committee Sept 5, 1851

It is ordered that David Earl be directed to leave this state within ten days from this date, and that he pay his own passage.—

It is ordered that David Turner be directed to leave this state for the Colonies, by the Brig *Zone*, and that he pay his own passage

It is ordered that charles Duane be arrested—and that the Chief of Police be directed to keep him in a good and secure place subject to the order of the Committee

In the case of Charles Duane, the matter of last evening was re-considered [in consequence of the notice not having been delivered as per the voluntary offer of Mr Bromley to serve such notice.[1]]

The seat of Mr Brinley is declared vacant in consequence of his long continued absence, and Lieut Baynard [Maynard ?[2]] is recommended to the General Committee to fill such vacancy.

[*Report of the Collector*]

San Francisco, Septr 5th 1851

Eugene Delessert Esq,

Dear Sir, I herewith hand you a list of the names of members of the Vigilance Committee who paid me their dues while I was officiating as Collector, by which you will perceive that I have received $210.00 in cash & 15.00 in Bills, making $225.00 from which amount deduct the Commission allowed me, 10%, and it leaves a balance of $187.50. I hold your receipt for the sum of $185.00, and now hand you the Bal. of $2.50, which cancels all my business of the Collectorship.

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[1] Crossed out.

[2] See Nomination, p. 597. The name Baynard does not appear on the rolls.

I should have handed you this before, but urgent business has prevented me

Very respectfully your obt servt
[Signed] A. G. Randall

[*Police Order*]

San Francisco Sept 5. 1851

To the Chief of Police

You are hereby ordered to detail a guard and arrest Chas Duane and bring him to our quarters or to such other good and sufficiently safe place that you may in your prudence think best

By order of the Ex Com
[Signed] G E. Schenck
President Pro Tem

[Annotated:] From all information obtained by Mr Boyd, who had the order for his arrest, he has left in the steamer *Pacific* this day.

[Signed] W. Oscar Smith
Chief Police
Sept 6. 1851

SATURDAY, SEPTEMBER 6, 1851

MINUTES

Minutes of General Meeting Sept 6. 1851

Mr H Haight in the chair

Minutes of former meeting read & approved

On motion N Miller

Resolved That a publication be given in the public prints that a full meeting be called for tuesday evening next[1]

On motion Mr Hampton

Resolved That a demand be made on the Gov of California for the names of the parties who petitioned for his ex clemency in the case of Chas Duane

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[1] The following notice is copied from the *S. F. Herald*, September 9: "A full attendance of the Members of the Committee of Vigilance is requested on Tuesday evening, Sept. 9 at 8 o'clock. San Francisco, Sept. 8, 1851."

On motion

Resolved That the Ex Com have power to act in the Case of Metcalf vs Argenti Atkinson & Als—to procure lawyers &c and that their act be endorsed by general Com

MISCELLANEOUS PAPERS

[*Report of Executive Committee*]

Executive Chamber
Sept 6th 1851

To the Gentlemen Composing the Committee of Vigilance for Sanfrancisco

The executive Committee of your body have laboured arduously to accomplish the business committed to their charge, in performing which, they have had, but a single eye to the safety and prosperity of their fellows.

It is with much sincere satisfaction, that they are enabled to say, that the reports, before you, embraces action in relation to every prisoner in their charge, and it now only remains for your sub Committee, to see the prisoners depart, and not keep them in duress.

We also feel heartfelt pleasure in communicating the fact, that many of the prisoners, not only are enabled to pay their own passages, but are willing to depart in perfect satisfaction with the acts of the Committee. Your Committee have rendered them every facility that humanity and prudence could dictate.

Amongst the cases before us were two of husband and wife, those two cases demanded our attention, your Committee have separated the parties for their own good, and by the separation may be the means of saving much anguish.

Our labours are now completed and so far peace, and security, have attended our efforts for the public good, we earnestly hope that the Blessing of Almighty God may rest upon us, may the cessation of our labours, be no cause on the part of the vicious, to renew their course of life to the injury of the people.

We trust that those in power at this time, and those who shall succeed them, by reason of the late election may so learn wisdom, that in the exercise of their representative duties, they may ease the weight from the shoulders of their constituents, and thereby honour their common Country and preserve their institutions unsullied.

It will now become you, to adopt some action for the future, to so base the present institution, that it may silently be a terror to all evil doers, and a rewarder of all that do well, that it may be a guardian spirit of the land.

With feelings of high respect & esteem
Believe me your
Obt Servt & well wisher[2] [. . .]

No 1. Report in the Case of David Earl

Executive Chamber
Of the Committee of Vigilence of San Francisco
Saturday September 6th 1851

In the Case of David Earl charged by Stuart, Whittaker and other with having conspired to rob, as well as being Accessory to the escape of Watkins

Your Committee report that they have held the Prisoner in custody and in irons for nearly six weeks and during that time have summoned many witnesses for and against the Prisoner, and find no grounds to warrant the giving up the Prisoner to the Authorities, nor sufficient to warrant the infliction of punishment by the hands of the Committee

They therefore discharged said David Earl under an injunction to leave the State of California within Ten days from the Fifth day of September, since which the said Earl has prayed respectfully that the Committee give him five days longer to settle his business, which was granted

The Committee ask for a Confirmation of their acts in this case

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman,
Sec. pro-tem.
[Annotated:] Adopted

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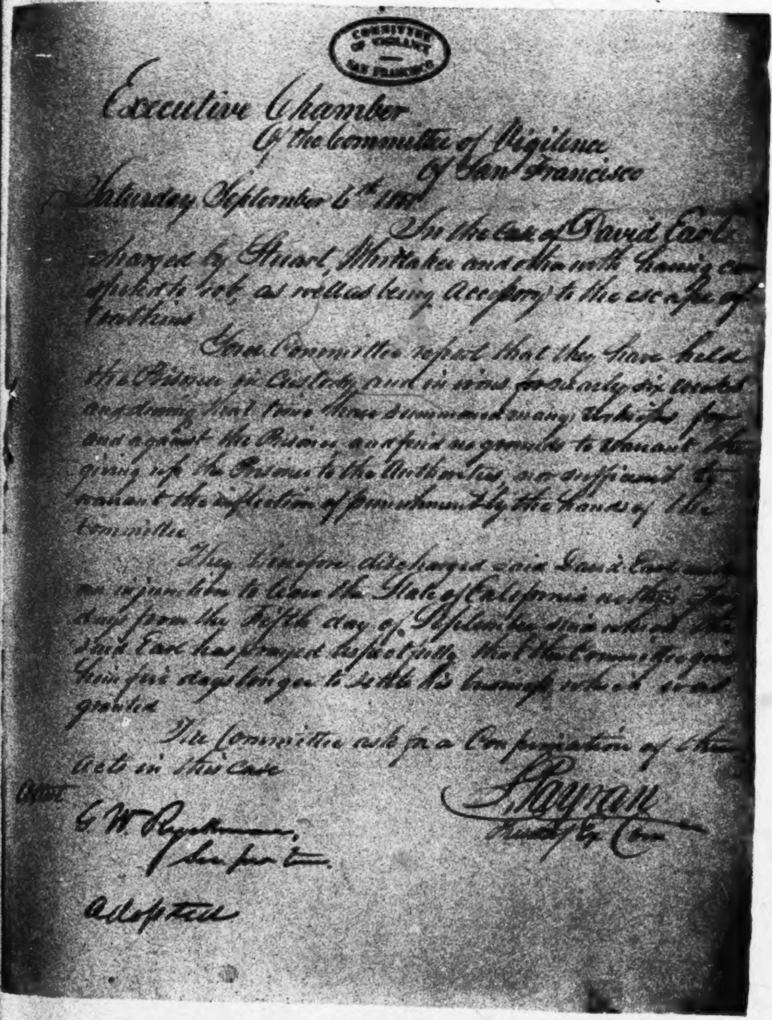
[2] This unsigned report is in the handwriting of D. L. Oakley.



Executive Chamber
Of the Committee of Vigilance
of San Francisco
Saturday September 6th 1851

In the case of David Earle charged by Stuart, Whittaker and others with having conspired to rob, as well as being Accessory to the escape of [illegible]

Your Committee report that they have held the Prisoner in Custody and in irons for nearly six weeks and during that time have summoned many witnesses for and against the Prisoner, and find no grounds to warrant the giving up the Prisoner to the Authorities, nor sufficient to warrant the infliction of punishment by the hands of the Committee

They therefore discharged said David Earle with an injunction to leave the State of California within five days from the fifth day of September inst whereas the said Earl has prayed respectfully that the Committee give him five days longer to settle his business which is granted

The Committee ask for a Confirmation of their acts in this case

S. Payran
President Ex. Com.

Attest
G. W. Ryckman,
Sec. pro tem.

Adopted

Facsimile of a Report in the Case of David Earl.
In the handwriting of Stephen Payran and stamped with the Seal of the Committee.

No 2. Joseph Turner. report of Executive

Executive Chamber
Of the Committee of Vigilence of San Francisco
Sept 6th 1851

In the matter of Joseph Turner the Committee have fully examined the case, and are of opinion that he is a bad Citizen, as well as a Convict, Turner was arrested under suspicion of being concerned in Mr Robart's Robbery, but up until this time no clue has arisen to fix the charge

Your Committee have ordered him and his wife to leave, all of which is now being carried out by the Special Committee appointed for that purpose

[Signed] S Payran
Presdt of Ex Com

Attest, G. W. Ryckman,
Sec. pro-tem
[Annotated] Adopted

No 3. Martin Sanphy. Report

Executive Chamber
of the Committee of Vigilence of San Francisco
September 6th 1851

In the Case of Martin Sanphy your Committee have examined his case fully and deliberately, and from the examination find that he had been intimate with *Jenkins* whom the Committee Hung—also Burns, and others whom this Committee banished, they further believe this man to be a bad citizen, in consequence of which they Committee have ordered that he leave the State, and they respectfully ask for Confirmation of their act

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman
Sec. pro-tem
[Annotated:] Adopted

No 4. Jane Connolly now Sanphy. Report

Executive Chamber
of the Committee of Vigilence of San Francisco
Sept 6th 1851

In the case of Jane Connolly (now Sanphy)

Mrs Connolly came before this Committee Voluntarily, having understood that Martin Sanphy (her husband) had preferred charges against her &c

Your Committee have fully investigated the case and believe the whole matter to be a foul conspiracy on the part of Sanphy & others to destroy the reputation of said Jane as well as to become possessed of some property belonging to her by reason of his marriage

A renouncement has been taken from him as to any and all interests that said Sanphy might or could have in any real or Personal estate of said Jane possessed by or belonging to her previous to her marriage with him

We respectfully ask of your body that the said Jane be allowed to depart, and to remain so long as she may desire,

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman
Sec. pro-tem
[Annotated:] referred back to Ex Com
reconsidered
adopted

No 5. Robert Ogden. Report

Executive Chamber
Of the Committee of Vigilance of San Francisco
September 6th 1851

In the matter of Robert Ogden;

Robert Ogden was implicated by Whittaker as being a Thief and Convict,

Your Committee have examined the matter and firmly believe that Whittaker was not far from right, and therefore have ordered the said Ogden to be banished from the State

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman,
Sec. Pro-tem
[Annotated:] adopted

No 6. Mary Wright. Report

Executive Chamber
San Francisco Sept 6th 1851

To the Vigilence Committee

Gentlemen Sometime since your body ordered Alexander Wright[3] (a convict) who had just arrived to leave the Country. and held him in custody for some time, and then sent him away

Wright behaved himself well while in custody and stated that his wife and child he thought would come out in the next Ship, after we had banished him but a short time, his wife and child arrived, she has endeavored to earn something by labor, but her child has been a great drawback on her industry—she has regularly reported herself to the Committee, and seems to be an excellent woman

Owing to her destitution and deprivation of her husband, she prays that the Committee will send her back

The case of this poor Woman we respectfully present to your attention for action this Evening being really a case that demands an exercise of our most benevolent feelings

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman
Sec. pro-tem
[Annotated but crossed out: laid on table]
reconsidered
adopted

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[3] See p. 180.

No 7. William Wilson. Report

Executive Chamber
Of the Committee of Vigilence of San Francisco
Saturday September 6th 1851

In the matter of William Wilson who was ordered to quit the Country,

Your Committee reconsidered the previous action in the case, at the instance of several respectable Citizens, on which reconsideration, they had sufficient proof that said Wilson was not a Convict, and was a quiet inoffensive man,

On which ground the Committee discharged said Wilson

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman
Sec. pro-tem
[Annotated:] adopted

No 8. Howard, a Deserter. Report

Executive Chamber
Of the Committee of Vigilence of San Francisco
September 6th 1851

Your Committee report, that the Guard brought in one Howard who proved to be a Deserter from the service of the U. S. Government

Notice has been given to the Q. M. who will take charge of said Howard and pay to the Committee the sum of $30 all of which is respectfully submitted.[4]

[Signed] S Payran
Presdt of Ex Com

Attest, G. W. Ryckman,
Sec. pro. tem.
[Annotated:] adopted

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[4] See p. 637.

No 9. Charles Duane. report

Committee Room of the Vigilence Committee of San Francisco
Saturday September 6th 1851
1. OClock & 30 M. P. M.

In the Case of Charles Duane

Your President of the Executive reports, that on the night of the 4th inst, your Executive Committee were informed of the enlargement of said Duane by an order of the Governor of the State bearing date 17th Augt—

The question of action arose the Modus Operandi discussed, Mr Schenck was appointed President of the Board and G. W. Ryckman Secretary,

I contended that by reason of the matter being one of those cases adopted by the Committe of the whole, it could not be brought before the Executive for final action and therefore opposed it, firmly believing that the Executive body being an examining body have no right, to adopt final and conclusive action further than to recommend to the General body[5]—

As an Executive Body your Committee had power to order arrest, and hold subject to your action, and nothing further

[Signed] Stephen Payran

[Annotated:] laid on the table

No 10. Recommendation of Executive Committee in relation to vacancy created by absence of C. H. Brindley

Executive Chamber
Of the Committee of Vigilence of San Francisco
September 6th 1851

Whereas the seat in the Executive of your Committee of Charles H Brinley, has been vacant by his continued absence out of the State, and it being of great importance that our Executive Board should be filled by good and competent men

Your Committee respectfully offer the name of L Maynard Esquire to fill said vacancy

Attest, [Signed] S Payran
[Annotated:] Adopted Presdt of Ex Com

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[5] See minutes of August 26, p. 551, and orders of Executive Committee, p. 590, also p. 626.

[*Report. Case of William Clay*]

Your Committee on the affairs of Wm Clay report as follows

I have succeeded in collecting money to the amount of one hundred & fifty three Doll, but a balce of say fifty is unavoidably lost. his licence two months to run, value say $30
And two bad debts of ten Doll each $20

The balce one hundred and fifty-3 Doll I now hold.

The only expense attending the collection having been fare to & from the Mission while 153.00
endeavoring to collect $10 02.00

balce $151.00

I have exchanged a portion of this in Sovergn's but it being very difficult to obtain them even at 5% premium I fear for further success.

No further expense will attend this, save the chge of his luggage to the whf & boating to the ship say $5.00

$146.00

Respectfully Submitted
[Signed] D. L. Oakley
Sanfrancisco Sept 6th 51
Committee of one

[Addressed:]
To the Executive Committee
Present

[*Communication from E. G. Austin*]

No 10 Wells Building
Sept 6th 1851.

Dear Sir.

The case of Metcalf Vs Argenti & yourself will probably be called for trial on Monday.

If it is your intention to make a defence, and you require my services I should be glad to be informed of the same during the day.

Yrs &c
[Signed] E G Austin

Mr F A Atkinson

[Addressed:]
Mr Atkinson
Battery Street

SUNDAY, SEPTEMBER 7, 1851

MISCELLANEOUS PAPERS

[*Police Order*]

Chief of Police

You are required to make examination of Hasson House, also of M^rs^ Speedon, for $500 in $50, some small coin to amount to $5 to $95, if found bring them before the Committee and the parties also

By order of the Executive
Sept 7^th^ 1851
[Signed] S Payran
Ex Committee

San Francisco Sept 7/51

We hereby authorize & Consent freely that the agents of the Vigilance Commt of this City shall search our House & the premises of the inmates—

[Signed] Tho^s^ Hasson
[Same writing] Ann Hasson
Witness J W Cartwright

[*Evidence of Jane Yates*]

Mrs Jane Yates I know Mrs Jane Connolly— She came to my house with Swan—and went away with him I should think M^rs^ Connolly lived in the Uncle Sam from one to two months—she attended bar at the Uncle Sam—and afterward kept bar for Mr Burnes on Clarks point Swan lived in the Uncle Sam at the time Mrs Connolly lived there Swan lived in my house about 2 months before I knew what his occupation was—he then left my house and went to the Uncle Sam to live

her
Jane X Yates
mark

San Francisco Sept 7. 1851

MONDAY, SEPTEMBER 8, 1851

MISCELLANEOUS PAPERS

Copy [*of a Letter to Governor M^cDougal. Case of Charles Duane*]

Vigilance Committee
San Francisco Sept 8. 1851

To His Excellency
John M^cDougal Gov of Cal

Sir By a resolution passed this evening by the Vigilance Committee—I am authorized—respectfully to request of you a copy of the petition and signatures urging you to grant the repriev of Charles Duane

Very Respectfully
Signed S E Woodworth
Pres^t Genl Com

San [Francisco]
Isaac Bluxome Jr
Secretary

[Annotated:] Copy delivered to Mr R B Hampton

[*Receipt*]

Sept 8, 1851

Recd of Ex Comt^ee a bag containing

8 Slugs	$50—	$400—
Gold	$26	26
unknown	33.75	33.75
		$459.75

[In the handwriting of D. L. Oakley.]

TUESDAY, SEPTEMBER 9, 1851

MINUTES

Minutes of General Meeting September 9, 1851

Mr Selim E Woodworth in the Chair

Minutes of former meeting read & approved

On motion of Geo R Ward

Resolved—That an order be given by the General Committee to pay a Coach bill of 50.$ to John Crow bringing Fanny Seymour to Committee Room[1]— Carried—

It was moved by Capt J F Hutton

That a Committee of 5 be appointed to select the names of 25 Gentlemen to be submitted to the Committee for election as an Executive Committee to hold their office for a period of six months and to make such suggestions or propositions as may be of interest to the Association The following Gent were appointed Capt J F Hutton—Mr Delasaret—Mr S Dewey Charles L Case Dr Geary [Gerry]—F Argenti[2]

On motion Mr F Woodworth

Resolved That a Committee of three be appointed to waite upon Governor M^c^Dougal and obtain from him the petition for the release of Chas Duane together with all the names attached The following Gent are the Com Mr Hampton Mr Cronin Dr Davis

On motion Mr F Woodworth

Resolved That the Secretary request from the Governor of the State the names of the persons who signed a petition for the release of Charles Duane

On motion adjourned

[Signed] Isaac Bluxome Jr
Secretary

MISCELLANEOUS PAPERS

[*Resolution*]

For the purpose of keeping up our organization and that this Committee shall continue to be a terror to the evil minded, *It is hereby Resolved*, That the Executive Committee shall still continue to hold their regular meetings for the transaction of all business that may come before them, and that they shall once a month or oftener if in their judgment they think necessary call a meeting of the general Committee for the purpose of laying before them their report of all transactions of which they may have taken cognizance and for the further transacting of any business necessary for the good of the Committee—And it is *further resolved* that for the purpose of reducing our expenses the Executive Committee have power to provide for themselves such a room as they think proper for their place of meeting and where all communications may at once reach them—and that the last part of this resolution to be attended to as soon as the prisoners now in custody shall be disposed of—

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[1] See voucher No. 42, p. 781.

[2] Reorganization had been suggested as early as August 12 (p. 453), but it was not effected until September 17.

[Annotated:] laid on table Sept 9, 1851

No 1 [*Report on Jail Fund*]

September 9th 1851
Executive Chamber
Of the Committee of Vigilence of San Francisco

Some time since a certain amount of money was raised by Subscription under the auspices of the Committee, as a Jail fund, and by them placed in the hands of the Treasurer for future disposal and action

And whereas your Executive have had before their body Sheriff Hays for the purpose of investigating the affairs of the said Prison, which investigation has resulted favorably to the views and objects entertained by us at the time said Subscription was raised to wit

Sheriff Hays states that he has received an order to raise from the Taxes now assessed sufficient money to pay off a Mortgage due to Mr Argenti, that said Mortgage is the only incumbrance on said Prison except a Lien for Work, Labor and Materials which is held by Sheriff Hays, he further stated that in addition to said Lien he has become indebted in another sum of from three to four thousand dollars for Iron Doors & Locks to render the Prison secure, that said Doors Locks &c were made, and the debt incurred at the instance of the Committee of Vigilence, the Sheriff is unable in himself to meet the payment of the debts so incurred for want of funds

He further represents that by an arrangement made with the County, whereby funds will be raised out of the County's rates or levies the Prison will be entirely completed without a further appeal to the People for private subscription and without creating a debt on the Prison

The Prisoners are now employed in various occupations, quarrying stone, Smith Work, tending on Masons &c &c, whereby much will be saved to the County

Your Committee report, that the objects for which the fund was raised having been anticipated, they see no reason why the appropriation should not be made and respectfully suggest that an order issue from the Finance Committee or Committee of the Jail Fund in favor of said Sheriff for said Fund, and to therewith liquidate the debts which he has assumed to pay

Your Committee further report that their Confidence in said Sheriff remains firm and unshaken, and do verily believe that he will honestly apply the fund for the purposes intended and agreeably to the will of this Committee, and further, that a vote of thanks should be awarded to Sheriff Hays for his perseverance in bringing this matter to so happy an Issue

All of which we respectfully submit to your body for action and confirmation

By order of the Executive
[Signed] S Payran
Presdt of Ex Com

[Annotated:] adopted by Genl Com
I B Jr

No 2 [*Report on Thomas Speeding*]

Sept 9th 1851
Executive Chamber
San Francisco

Your Committee report that they have one Thomas Speeding in custody charged by James Davis with having robbed him of upwards of $500 at a House called the Traveller's Home

[Signed] S Payran
Presdt of Ex Com

Thomas J L Smiley
Sec pro tem

[Annotated:] Prisoner discharged

[September 9, 1851]

James Davis *sw*[*orn*] I am a native of Montgomery County Virginia am twenty seven[?] years of age I came into California on the 8th of August A D 1850 have resided at Nevada I came to San Francisco on the 5th of September inst, and put up at Hasson's on first Street, this morning the 7th I saw an old man called Harper, it was raining while I was there, I saw some thirty or forty dollars passing between Harper & the Landlady (Hasson's wife) I also saw Speedson there, I told the Landlord that if I could see a family that would go up into the Country & keep a Boarding House & Grocery they would do well—

I went upstairs to turn in, and just as I was about to turn in Speedson came up and said Davis you had better give your money to the Landlord to keep or I would be robbed I said it is all safe I have my money in my Pantaloon pocket—I went to sleep and slept about one hour or so, when I awoke I found that I had been robbed—

Amount last 10. 50$ pieces
Small coin—85 or 90

William Harper, born in the North of Ireland—aged about 24 from Sydney arrived here in American Brig *Cameo.*—Left Liverpool 23d October, 1840 ship *Margaret*—Emigrant ship, Capt Blythe.—Laboured in Sydney as a blacksmith—arrived first time 2d January 1850—Remained here till Nov. 1850.— While here worked for Turner, Fish & Co. about a fortnight, and then off and on at different times—T. Fish & Co lived at the foot of Pacific st or Washington st.— Also worked for several others, amongst others Starkey, Jimmey & Co—worked here from two to three months—then left for the Mines—remained there till Nov. last—then returned here and shipped same day for Sydney. Remained at Sydney about three weeks and then returned to S. F. in the Brig *Cameo,* Capt White—arrived here more than two months ago.— After I arrived I started for the Mines in three or four days—Arrived in S. F. one week yesterday. Made nothing but a living—paid my passage & had about enough to pay one weeks board.— No money about me now—nor has anyone got any money of mine.— First saw Mr Davis the man robbed today, before dinner—about 11 o'clock in the 2d story of the Travellers Home, Happy Home—was in my bed smoking a pipe—Davis came to my room to wake my father.— Davis did not sleep in the same room with my father.— First knew of Davis being robbed to-day at the time he came to wake my father—Davis then enquired of my father if he knew who had robbed him— I jumped out of bed and told my father to sit up. & give Davis a clear account of what Davis wanted to know my father said he knew nothing about the money.— I then went down stairs and called for the landlord.— The landlord's name is Thomas Hassen. My father knew that Davis had some gold pieces.— I saw Davis have three ten dollars pieces.— This was after Davis said he had been robbed—I have no trunk, nor valise or carpet bag—My father has no trunk. On Friday last worked on board a store ship and got five dollars—another day of last week worked and got $7—A person came up and said "Davis you had better put your money in the hands of the landlord or landlady. Do not know what reply Davis made. I slept in the birth above my father—there is a petition between where I slept and where Davis went to bed.

William Harper— *reexamined.*— Have seen Speding at Sydney—Know nothing of his character—is a butcher.— Heard Speedings voice upstairs with Davis before they went to look for saddle bags—Heard him tell Davis he had better give his money in charge of the landlord or landlady.— Did not see Speeding or hear him upstairs after they returned.— My father has not a good opinion of Speeding.— I know nothing of him myself. Heard last week that Speeding had sold a Sausage Machine for between 3 & 400 dollars.—

Thomas Hassen— Keeper of a public house called the Traveller's Home— Irishman by birth—from Sydney—arrived here early in May a few days after the great fire, in the *Emerald Isle,* Capt Watts.— Emigrated in 1837 with wife & six children—came as a passenger to Sydney from Liverpool. Took the house I now keep immediately after my arrival. I know the man that was robbed at my house, now present—Davis. Came to my house this morning and took a drink, as I understood.—

First saw him myself at about ten this morning— Saw him have about three or four dollars in silver.— Heard my wife say she had seen the man robbed have ten or more $50 pieces.— After Davis returned with the man named Speden, a butcher that kills for Mr Barry, corner of Mission st. Speden said to Davis "you had better give your money to the landlord for safe keeping." Davis replied my money is all right & I replied "I dont want to keep any man's money if he did not want me to do so."— Davis said he was going to stop at my place.— I know he went upstairs to go to bed.— Was upstairs about two hours—when he came down stairs he said he had been robbed of his purse that contained five hundred dollars.— Do not know of any man going upstairs while Davis was there excepting a man named Harper—an old man.— Young Harper was up stairs when Davis went to bed—had not been down stairs & was in bed.— Harper was in the next room to Davis went to bed in. Have known old Harper but two or three months—works in an engineer's shop is a blacksmith—Have known Young Harper about 8 days—believe him to be a steady man—works at odd jobs.—The $50 pieces that my wife saw was previous to his going out for his saddle bags.— Davis had drank several glasses, but did not consider him drunk.— I am satisfied Davis was robbed.— My wife & Davis searched the rooms, but did not search . . .[3] Speden is a decent man—have known him in the Colonies.— Have no reason to suspect any particular person to have committed the robbery.— No person could go up stairs without some of my family seeing them—and no person did go upstairs except old Harper—Speden, and young Harper that had not got up from his bed.—

[Signed] Thos Hasson

John Horigan— an Irishman—30 years of age—arrived here about 2½ years since from Sydney.— In Sydney about six years—left Cork in the Wm *Jerdine*—Emigrant ship.— Have known Speding from 6 to 8 weeks—hired a house of me—Know nothing against his character—Never heard anything against him.— Knew he had a Sausage Machine & have heard he sold it for $300—not positive when he heard it had been sold—thinks he heard it on Sunday at about ten o'clock.— Saw him on board a vessel yesterday bound for Sydney—Told me on Sat-about 3 P M yesterday when I saw Speeding go on board the Sydney vessel. No person with him

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[3] Illegible.

[Signed] John Horigan

Thomas Speeding I saw Davis this morning and went to Pacific Wharf, and went back to the Travellers House, and have not seen him since—I left Davis at half past 2 O'clock—I went with Davis to Pacific Wharf at ½ past 9 or 10. OClock and returned at ½ past 2. OClock to Hasson—

Reexamination of Thomas Speeding Sept 8th 1851

Michael Coff— I was at Speeding House, I saw a Sausage Machine, it was for sale I did not know its value—I only saw one Sausage Machine,

No 3 [*Report on Daniel Whilden*]

Executive Chamber
San Francisco Sept 9th 1851

Your Committee report that a Mutineer on board the Steamer *Commodore Stockton* was brought into their Custody by the name of Daniel Whillden

After a full examination we discharged the Prisoner from our custody on the ground that it was a case not properly before us

[Signed] S Payran
Presdt of Ex Com

Thomas J L Smiley
Sec pro tem

Capt Henry Randall— I am Capt of the *Northener*—Daniel Whillden started from Panama in the Propeller *Stockton*—and he with others created a mutiny on board & drove the Capt & crew off the ship—Whillden came on board my ship as passenger at Panama the first I see of him he was urging the steerage passengers to go and take the Cabin passengers fare and said follow me as soon as I heard that for fear they would make a rush I steped up to him and put my hand on his shoulder requested him to be quiet he said no and struck me The steward Doct and 1 mate then took hold of him and I ordered him aft and put him in irons—he has since threatened my life and the mates I believe he was intoxicated at the time or I do not think that he would have done it

David F Whillden— I was born in Philadelphia I have resided in New Orleans for the last 17 years I am a Printer by trade— I was in Texas in the war— I came on the Steamer *Northerner* I was starved most of the passage— fed on stinking meat— this was the cause of the row on board I could get no water most of the time— I could get little or no bread— I heard from the Steward that there was plenty of bread & I proposed to go and take the bread by force

Question to Capt did I threaten your life

Answer I heard so

4 [*Report on William G. Hance*]

Sept 9th 1851
Executive Chamber
San Francisco

Your Committee report that they have in custody one William G Hance, charged with Murder, Robbery, and diverse other heinous Offences against the Peace and dignity of the Commonwealth of New Grenada that although under sentence of death by the said Commonwealth he contrived to break Prison at Panama and made his escape with other Desperadoes, who with said Hance took passage on the *Trescott* and arrived at our Port of San Francisco

It further appears that a reward of $1000 has been offered for this Hance

Your Committee suggest the propriety of sending this Prisoner back to Panama, on the ground that it would be contrary to all Equity that he should be punished by us in absense of all proof, and for crimes committed beyond our jurisdiction

[Signed] S Payran
Presdt of Ex Com

Thomas J L Smiley
Sec pro tem

Stephen P Clark Is Chief Engineer on Steamer *Carolina.*— On the 4th July, Hance the prisoner was in the Prison at Panama—

Prisoner questioned. Knows Dick Jones at Panama— Knows nothing about a murder committed on the Chagres river.

Clark's Examination resumed Hance is guilty of having murdered his wife or the woman he was living with.— He was tried & convicted for the crime & sentenced to the mines from whence he was taken back to Panama and charged with the murder on the Chagres River—He was convicted of this second charge and sentenced to death.— He escaped from prison on the evening of the 4th of July last, went to Toboga and took passage in *Trescott* for San Francisco.

[Signed] Stephen P Clark

Attest Fredk A Woodworth
Septr 8th 1851

Wm G Hance lived 2 Years & 5 Mos at Panama
Doct Bouie
" Stout
T. B King
Doct Smith
Judge Hoffman
Pulaski Jacks—

Chgd with killing
Gonzales—resident
of Panama

Hance & Gonzales & his Brother in Law went out gunning together, started at 6 OClock in the morning we saw some Pidgeons on a Tree, we were on Mules, I, Hance aimed at the Birds gun snapped, tried Again it snapped again— I became angry & threw it down and swore, Gonzales got down & remarked that he could make it go off—he asked for my powder

& caps & tried it it snapped with him—I rode off—he G. said he would try it again—and said if it did not go off he would [...]

5 [*Report of D. L. Oakley*]

Executive Chamber
San Francisco September 9th 1851

The Petition of D. L. Oakley (Sergeant at Arms) hereunto annexed having been acted upon

Your Committee directed said D. L. Oakley to dispose of said Merchandise, and render an account of the same to the Finance Committee and pay over the proceeds to the Treasurer

[Signed] S Payran
Presdt of Ex Com

Thomas J L Smiley Sec pro tem

To the Executive Committee

Gentn There is in my possession, three pieces of calico prints, brought here some six weeks since, by a person who found them on Mares Island, They are somewhat damaged and probably will never be reclaimed, If it is your *pleasure* I will send them to some night action to be sold.[4]

Respectfully &c &c
[Signed] D. L Oakley
Sergt at Arms

Committee Room Sept 8th 1851
[Addressed:] To the Executive Committee
Present

6 [*Report of Collector of Dues and Fines*]

Executive Chamber
San Francisco September 9th 1851

Your Committee have carefully examined the account render of Robert Wells Esquire for Fines and Dues Collected, and believe the same to be correct, but such investigation not belonging to the Executive we respectfully ask that you will refer the voucher to the Finance Committee of your body

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[4] "San Francisco is even more alive at night than during the day. The shops are all in full blast . . . night auctions of old clothes and new, hats and all Jew wares are common." Theodore Winthrop, *The Canoe and the Saddle*, Tacoma, 1913, p. 234. Mare Island lies in San Pablo Bay, about thirty miles northeast of San Francisco.

[Signed] S Payran
Presdt of Ec Com

Thomas J L Smiley
Sec pro tem

Account of Fines and monthly dues Collected for Vigilent Committee of San Francisco

Amount of Fines	$40—
" " Dues	115—
	$155—
Commission 10%—	15.50
E. E.	$139.50

San Francisco 1 Sept 1851

[Signed] Robert Wells
Col. of Fines & Dues of the
Vigilent Committee or San Franº

Received Sanfrancisco Augt 28th 51

of Robert Wells. Collector of Fines & Dues—Vigilance Committee, the Sum of one hundred and fifty five Doll less ten per cent commission

155.
15.50
$139.50

Danl L Oakley
Collr of Fines & Dues

[Annotated:] Duplicate

San Francisco 1 Sept 1851.

The "Executive Committee" of the "Vigilence Committee"
of "San Francisco"

Gentlemen. Enclosed please find my accounts for the Collection of Fines and monthly dues amtg to

$139.50 One hundred thirty nine 50/100 Doll also Mr Oakleys duplicate recipts for the above amt. I having paid it over to him as being appointed recently by you to that office—

Please examine the same and if correct I beg leave to resign the office of "Collector of Fines & dues of the Vigilence Committee of San Francisco being on the point of leaving the City for some time—

Yours Respety
[Signed] Robert Wells

[Addressed:]
To the Committee of the Vigilence Committee
San Francisco

[7 *Letter from F. P. H. Truman*]

Executive Committee
San Francisco Sept 9th 1851

The annexed Letter or Petition of F. P. H. Truman Sets forth that he has discovered some very important means of preventing Fires, and thereby saving property and lives and conceiving that to be the most important branch of the Vigilence Committee, he proposes to make an experiment & thereby to prove the truth of what he asserts

Your Committee cannot deny the utility of any means whereby lives and property may be preserved, and would suggest the propriety of granting the desire of said Truman, and to fix a time and place to see his object tested, all of which we respectfully submit to you for action

[Signed] S Payran
Presdt of Ex Com

Thomas J L Smiley
Secy pro tem

Chairman of Vigilant Committee

Sir I take this as the only available opportunity of making known, what I intend to communicate to the citizens of San Francisco. As everything has been in so unsettled a state, it was a difficult thing for a man to know how, and to whom, to make application I have at last learned, that nearly all of the Gentlemen of the Vigilance Committee are interested in the preservation of the City from fire, and in improving its condition and appearance If such be the case, I cannot apply to a body of men better qualified, more interested, more likely and more able, to carry the improvement I am about to name, into effective execution.

Of all the various accidents to which mankind are continually exposed, none are so distressing as those resulting from fire, as respects the loss of property, and the loss of lives. A happy family, which retired to rest, but a few hours since, in apparent security, is awakened by the dreadful enemy, consider themselves fortunate if they escape with their lives, and without damage to their person. But it often happens, that the effects of the fire, is far more terrible; parents sometimes behold their dearest relations perish in the flames, without the possibility of saving them.

Such distressing evils, as I have lately witnessed in this City, should create, and cherish, the strongest possible desire in the brest of every man, who has an interest, in the preservation of property and of the City, to embrace every opportunity, of becoming possessed of the means, of preserving hereafter, the City, from such frightful losses, and direful calamities.

Although I have no interest in preserving the City, and the immence amount of property, contained in it; and I am quite certain, that by communicating to others, the means of preserving it, before I secure by Patent my interest in the said means, I shall be doing myself a heavy pecuniary loss or injury,

Before the two last destructive fires, which reduced this City to ashes, and destroyed so many lives, I had made up my mind not to make known what I am now going to relate to you, until I had arrived at New York or London, to secure my interest therein by Patent; but such distressing and heartrending calamities, have induced me to change my resolution, in hope of preserving in time to come, the city, lives, and property from the devastating element . . .

[About ten lines of MS. are here torn from the sheet.]

As nearly all fires, arise from trival beginnings, such as the Snuff of a candle, the fagend of a Cigar, the dust from a Pipe, the spark from a Chimney, or the match of the incendiary, a fire could never take place, were the combustible materials used in Building, properly prepared with the articles I have alluded to. It is far better, much easier, and incomparably cheaper, to prevent a fire, than to extinguish it after it begins.

Should any Gentleman of the Vigilant Committee have a desire to witness the effect, of a few experiments, I will prepare a few specimens for that purpose, and will appear at your room with the same, or at any other convenient place which may be appoint.

I have not long to remain in California, before I depart for New York, or for London; but I shall be better pleased to learn through the News Papers, after my arrival at home, that a company of Citizens had been formed in San Francisco, and that the destructive power of fire, had been completely arrested by the said Committee, than to learn through the said News Papers, that the City of San Francisco had been burned down two or three times a year, according to its usual custom.

I am Sir

Yours respectfully

[Signed] F. P. H. Truman

Chairman of Vigilant Committee San Francisco

Sept 4, 1851

I will call, as I pass, about this time tomorrow.

[Addressed:]

Chair of Vigilant Committee
San Francisco

8 [*Report on John Ward*]

Executive Chamber
San Francisco Sept 9th 1851

In the Matter of John Ward a supposed Convict[5]

Your Committee report that they have examined said Ward, who positively denies being a convict, and also produced the annexed Letter of Simon Lake as to character

After which they discharged said Ward, to be called up again whenever your Committee shall deem it proper to do so

[Signed] S Payran
Presdt of Ex Com

Thomas J L Smiley
Secy pro tem

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[5] See p. 501.

Bush St San Francisco
19th Augt 1851

To the Vigilant Committee San Francisco

Gentln Having been called upon by Jno Ward this morning to state to you what I know of his character & general deportment while a resident in Sydney New South Wales for a period of at least eight years prior to his leaving for this Country in 1849—I beg to state that I have known Jno Ward for upwards of eight years during which time I had an opportunity of closely observing him in his outward deportment—& his conduct always appeared to me to be that of an honest & industrious man, had it been otherwise I should have known it as he lived near my residence for upwards of five Years

I beg to remain
Gentln
Your Obt Servt

[Addressed:] [Signed] Simon Lake
To the Vigilant Committee
San Francisco
California

9 *[Letter from E. G. Austin]*

Executive Chamber
San Francisco Sept 9th 1851

To the Committee of Vigilence

The annexed Documents purporting to be claims on the Vigilence Committee for Professional services rendered in the case of Metcalf versus Argenti & Atkinson, should properly come before the Finance Committee for investigation and adjudication[a]

We therefore respectfully ask to be relieved from the charge, and that the matter be referred to the Department to which it belongs

Thomas J L Smiley [Signed] S Payran
Secy pro tem Presdt of Ex Com

[Annotated:] Referred to Special Committee of three Mr Geo Howard Mr Thomas Mr Cartwright

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[a] The report of the trial (*S. F. Herald*, August 18) named Holmes and Lippit as attorneys for Argenti, and E. G. Austin and Judge Bur-

In Superior Court—
City of San Francisco

Peter Metcalf
vs.
F. Argenti &
F. A Atkinson

Trespass, *quare clausum fregit*
Damages $20,000
Tried. from Aug. 15—to 23d—1851

San Francisco Aug. 25—1851

Mr. F. A. Atkinson
To Messrs Burritt & Musson Atty Dr.
To profl Services in said cause— $1000—

Superior Court
City of San Francisco

Peter Metcalf
vs.
Argenti & Atkinson

Trespass—damages $20,000
Tried from Aug. 15 to 23d—

San Francisco—Aug 25. 1851

Mr. F A Atkinson
To E G Austin Atty &c Dr.
To profl Services in said cause $1000

San Francisco August 26th 1851

Mr F A Atkinson

Sir Notice has been served on me that in the case of Peter Metcalf vs Argenti & Yourself that the Plaintiff intends to move for leave to amend his complaint so as to claim "Fifty thousand dollars" damages.

Yours &c
[Signed] E G Austin

Sept 8th/51

Dear Sir

The hearing of the motion was postponed in consequence of Mr Randolph's sickness to the 22d of the month.

The fees of the Clerk and the Sheriff amounting to $124.95 is

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ritt for Atkinson. If the Committee ever paid the lawyers in this case, the fact was not recorded in the treasurer's book.

required by them to be paid immediately. Please to notify Mr Cartwright or Mr Payran of this, today that it may be attended to at once

Yrs &c
[Signed] E G Austin

10 [*Letter from Vigilance Committee, Sonora*]

Executive Chamber
San Francisco September 9th 1851

Your Committee respectfully submit the annexed Letter from our Brethren composing the Vigilence Committee of Sonoro who so cordially applaud our acts and so truthfully denounce those who should have been our Guardians

We respectfully suggest that the Letter be answered with the thanks of the Committee

[Signed] S Payran
Presdt of Ex Com

Thomas J L Smiley
Secy pro tem

S. Payran Esq

Sir, At a meeting of the Vigilance Com. of the City of Sonora, the following Resolution was unanimously adopted viz.

Resolved, that for two years past the State of California has been the theatre of outrages of every description, and bloodshed and violence fostered by the imbecility of our rulers and the maladministration of Justice coupled in so many instances with the most palpable and reckless corruption, have ridden rampant over the liberty, lives and property of the peaceful and well meaning citizens of the state.

In this dangerous state of society the *People* resuming the power which they had delegated to servants who were found incapable or unwilling to perform their sacred trusts, took prompt and stringent measures to effect that, which the Executive, and the administrations of justice were incapable of doing. viz. giving support to the Laws, restoring the tranquility of the community, ferreting out the desperate bands of ruffians infesting the country and bringing them to instant and condign punishments—

How the People have performed this assumed duty, the forbearance they have shown in every instance, the willingness and activity with which they have labored in their arduous work, the *result*, are facts as well known to the Executive and courts of Law, as by an admiring and grateful community—

Now therefore, viewing the conduct of Gov McDougal, who has hidden himself in disgraceful obscurity while his power might have effected the desired end, and now coming forward with officious interference, be it *resolved* that Gov^r^ McDougal has acted traitorously against the peace and good order of the State and is undeserving of aught but the reprobation of the people of California—

[Signed] William Perkins, Secy

Chamber of Sonora Vigilance Com
August 23rd 1851

S Payran Esq

Sir Allow me as an exponent of the opinions of the members of our body, congratulating you on the act of summary Justice you have just shown to the world in the execution of Whittaker and McKenzie—Allow me to say we are cordially with you

I am, Sir
Very Respty Your Obt Sevt
[Signed] William Perkins
Secy Com of V.

Sonora Aug 26 1851

11 [*Resignation of J. Spaulding*]

Executive Committee
San Francisco Sep 9th 1851

Your Committee report that the annexed resignation of J. Spalding on the ground of being a non resident,

And would suggest that the resignation be accepted so far as to granting him leave of absence & remittance of dues & fines

[Signed] S Payran
Presdt of Ex Com

Thomas J L Smiley
Secy pro Tem.

[September 9, 1851]

To the President of the Vigilant Committee

I have received your Note under date 31st ult. requiring my attention this day on duty.

I am with you heart & hand but I must tender my resignation, for this reason that I am no longer a resident of San Francisco, I am a resident of Benicia

Very Respectfully
Your Obt Svt
[Signed] J Spalding

12 [*Report of D. L. Oakley*]

Executive Committee
San Francisco Sept 9th 1851

The subjoined document submitted by D. L. Oakley Sergeant at Arms, which shows an indebtedness on part of W^{m} H Jones of $25 for Dues collected by him of others

We respectfully suggest that a Committee be appointed to investigate this matter

[Signed] S [illegible]ayran
Presdt of Ex Com

Thomas J L Smiley
Sec pro tem

Mr W H Jones is indebted to this body for his

own Dues July & Aug	$10	and has collected,
from J. F Osgood	5	
H Hazeltine	5	
J Wilber	5	total $25

He told F A Atkinson Collector of Fines and Dues he would pay nothing

[Signed] D L Oakley
Sergt at Arms

Sept 9th 1851
[Annotated:] F. P. H. Truman

Report of the Treasurer[7]

19 Bills unpaid amounting to	$1788.35
By Cash on hand	" 491.79
Due	$1296.56

Jail funds.
Amount to $4,484.—

San Francisco 9 Sept^br 1851
[Signed] Eug Delessert
Treasurer

[Annotated:] "laid on the table"

[Report of the Sergeant-at-Arms]

Amount of Initiation fees & assessments, not paid to date	$31.30
Amt of Fines	45.00
	$76.30

Some of the above dues will not be paid in consequence of the absence of the Debtors. I will render a complete detail previous to Saturday next.

Respectfully yours
Sept 10th [Signed] D L Oakley
S. at arms

To E Dellesert Esq.

[Caleb Hyatt to Eugene Delessert]

San Francisco Sept 9^th /51

Mr E. Delessert Treasurer of Vigilant Committee

Please pay to M^r L Tuffs five dollars for the benefit of Thomas Berdue and credit my bill with the am^t

Respectfully
Caleb Hyatt

L Tuffs
[Annotated:] Oriental hotel

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[7] See p. 767.

Matthias Harth Sept. 9. 1851

To the Committee of Vigilance

Gentn After an absence of seven years, I intend visiting my native place. I have done my duty while a member of this association and none can gainsay it. I now request an unlimited leave of absence, intending to return and, if this association is in existence, to renew my relations with it.

With sentiments of Deep respect I remain
Gentlemen Your Obdt Servt
[Signed] Matthias Harth
Nº 611.

Sanfrancisco Sept 9th 1851

[Annotated:] "leave of absence granted" and a vote of thanks passed to the gent

[Addressed:]
To the Committee of Vigilance
Present

[*Communication from Thomas McCahill*]

"Gentlemen"

From, a remark I made in my "Statement"—a while since, it might be inferred that I meant desrespect towards Mr Smith—Chief of Police, and least the Committee should infer any thing of that kind, I hereby state that I never aluded to Mr Smith in any manner desrespectful whatever, on the contrary I have a very grate respect for the Gentleman[8]

Respectfully
[Signed] Thomas McCahill

Sept 9, 1851

[*Letter from Sheriff McKimmey, of Napa County*]

Napa Sept 9th 1851

John A Spooner

Sir I have had a *Dutch Gentleman*, in charge who goes by the name of *Auther Deeds* for stealing a horse from Elj Pheps I had him chained to the floor in the *garret* of the American House he managed by the assistance of a *gentleman* to make his escape last night about 10, O'Clock, I firmly believe that he went to San Francisco in a launch that is shipping hay for Cordua—He is about 5 ft 6 in high very fair complexion with light hair and cut very short—The hair grows low down on his *forehead,* He is a fine scholar and can read and write the English, French, German, and Italian languages. His beard is short and curly on his chin and upper lip and very thin on his jaws, he went away without hat or any clothing except a shirt and pantaloons— He used to work for Cordua cutting hay— When he was about here he wore a high crowned white fur hat and a large blue coat always buttoned up hot or cold If you and the rest of the *Committee* will catch him and *hang him* or keep him until I can get him you will confer a favor your friend

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[8] See McCahill's resignation, p. 631.

[Signed] N. M. McKimmey
Sheriff of Napa Co.

J. A Spooner
[Addressed:]
J. A Spooner Esqr,
San Francisco
Cal,
Favor M Edmondsten

WEDNESDAY, SEPTEMBER 10, 1851

MISCELLANEOUS PAPERS

[*Order in regard to Jail Fund*]

E Delessert Esqr

Treasurer V. C. Please pay to the order of John C Hays Esq Sheriff of the County of San Francisco the sum of Forty four hundred & Eighty four Dollars the same being the amount collected and paid in in "Jail Fund

San Francisco Sept 10th 1851

$4484 00/100

[Signed] James C. S. Wadsworth
" Geo R Ward
" P D Hedley
} Finance Committee of V. C

THURSDAY, SEPTEMBER 11, 1851

MISCELLANEOUS PAPERS

[*Report in the Case of Pat Sweeney*]

Executive Chamber of the Committee of Vigilance of the
City & County of San Francisco
September 11th 1851

In the matter of Pat Sweeney, under sentence of Banishment

This case came up before your Committee for reconsideration

At which time it was clearly shown to your Committee, that said Sweeney had never been a Convict, and during his residence in San Francisco had uniformly supported a good character for honesty

When arrested he was supposed to have been an accomplice and confederate with Hennessey Mrs Connolly and others, but since it has been ascertained that he boarded with Hennessey, whose wife has been a servant to his Father's family in the Colonies

After due consideration of all the facts we discharged said Sweeney under a solemn promise that he would keep out of bad company and become a good citizen

We therefore ask of your body a confirmation of our act touching this case

[Signed] Stephen Payran
Presdt of Ex Committee

Attest G. W. Ryckman
Sec. pro. tem.

[Annotated:] adopted

[*Report in the Case of Thomas Speeding*]

Executive Chamber
Of the Committee of Vigilance of San Francisco
September 11th 1851

In the case of Thomas Speeding charged with Grand Larceny

Your Committee report that they have had said Prisoner in custody for some days, and examined many witnesses both for and against the Prisoner

And although the circumstances appeared strong, yet nevertheless the proof being sufficient as to how the Prisoner became possessed of the money found upon himself and wife, and no other money being found, and also proof of previous good character

Your Committee deemed it both prudent and proper to discharge said Prisoner, under an injunction to assist and search for the lost money and make report thereon

We therefore ask for confirmation of our act

[Signed] Stephen Payran
Presdt of Ex Committee

Attest G. W. Ryckman
Sec. pro tem
[Annotated:] adopted

FRIDAY, SEPTEMBER 12, 1851

MISCELLANEOUS PAPERS

[*C. B. Loomis to Captain Randall*]

Will Capt Randall have the kindness to leave word at what hour he will be at this office, as I should like to see him on business in relation to Mr M^cEwen

[Signed] C. B Loomis

Sept 12/51
[Addressed:]
Capt Henry Randall
Present

SATURDAY, SEPTEMBER 13, 1851

MINUTES

Minutes of General Com Sept 13, 1851

Capt J F Hutton in the Chair

Minutes of former Meeting read & approved

On motion of Mr Cartwright

Resolved, That the Collector be authorized by the Committee to ask each member for the amount of Gaol funds in his possession.

On motion of Mr Cartwright

Resolved, That the bill of Capt of Brig *Zone* be audited by the Finance Committee and that the Treasurer pay the same, and further that this Committee give to each prisoner that have none one pair of blankets[1]

On motion

Resolved That the resolution for the arrest of Chas Duane be laid upon the table—

On motion Mr Smiley

Resolved That a committee of one be appointed by the Chair to proceed to Valejo and request of the Govenor to give the names of the Gentlemen who signed a petition for the pardon of Charles Duane

On motion of Capt Garwood

Resolved, That the Special Committee who were appointed to select an Executive Committee for the transaction of business of General Committee report on tuesday evening next.

On motion

Resolved, That all burglars tools and pistols taken from prisoners be retained by this Committee after said prisoners are disposed of—

On motion

Resolved That the action of the Executive Committee in charging W Clay 21.$ for expenses & board be endorsed by the General Committee— Carried—

On motion of George R Ward

Resolved That a Committee of twelve be appointed to collect the dues and fines now due, and to pay over the same as collected to the Treasurer of the Vigilance Committee and make a final report at the next stated meeting on Tuesday next—and That the names of each member who does not pay shall be read at next meeting The following were appointed Collectors. Mr Bromley, Geo H Howard, J C L Wardsworth. Geo J Oakes, Thompson Huie, N Miller Talmage, S L Dewey Fred Woodworth, Isaac Bluxome Jr A J Cornell, B G Davis

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[1] See voucher No. 43, p. 782.

[September 13, 1851]

The Finance Committee report	351.50
that the balance on hand is	351.50
" bills due and audited	847.20
" " purchased & not audited	376.45
	$1223.65

On motion adjourned

[Signed] Isaac Bluxome Jr
Secretary

MISCELLANEOUS PAPERS

[*Report in the Case of Thomas Speeding*]

Executive Chamber
Sept 13th 1851

Your Committee refer the annexed receipt of Thomas Speeding to your body with a request that it be ordered to be filed pro forma

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman
Sec pro tem

[Annotated:] accepted

Received San Francisco September 11. 1851 from Committee of Vigilance the sum of Thirty three 75/100 dolls taken from me by said Committee at the time of my arrest and the further sum of Four hundred & twenty six dollars taken from my wife at the same time

$459.75/100 [Signed] Thomas Speeding

[*Report in the Cases of Charles Duane*]

Executive Committee
September 13th 1851

To the General Committee of Vigilence

Gentlemen Your Executive Committee report, in the Case of Charles Duane

First. That an order was passed to notify said Charles Duane to quit the State within Fifteen days

Afterwards the matter was reconsidered, and believing that such order would be in direct contravention of the action had by the General Committee in said Premises, your Committee rescinded their previous order and passed an order that the said Charles Duane should be arrested and held subject to your action, and thereupon issued said order, directing the Chief of Police to carry out the same

And farther report that the said order has not yet been returned,

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman,
Sec. pro-tem.

[Annotated:] Accepted

Report on the case of J. B. M. Crooks

San Francisco September 13th 1851
Executive Chamber of the Committee of Vigilence

Your Committee respectfully submit the subjoined account of J. B. M. Crooks, for action it needs no comment from us

[Signed] S Payran
Presdt of Ex Committee

[Annotated:] Mr Crooks expelled and Secretary notify Sergeant at Arms of the fact

San Francisco Sept 11th 1851

Mr J. B. M. Crooks

To the Committee of Vigilance	Dr
For the dues for the months of July & August	10.
" fines for non attendance when detailed for duty	20.
Recd Payment	$30.

[Annotated:] Says he will be damd before he pays
Collector

[Endorsed:] J. B. M. Crooks Montgomery St wont pay

[*Report of Finance Committee*]

The Committee on Finance respectfully report.

That by an account current of the Treasurer made up to this day there is a balance on hand of [2]	$351.50
That there are bills due and audited	$847.20
Bills presented & not audited	376.45
	$1223.65

Against which the Sergent at Arms as per schedule handed in have an ammt of $2555. for dues after making all reasonable allowances for claims not collectable—[Added on margin] Fines not included in this amount which amount to over $4500.

This Committee cannot too strongly recommend to the "Committee of Vigilance" that prompt steps be immediately taken to collect the outstanding dues or to take such other steps as their wisdom may suggest to liquidate the debts of the Committee and retreive the credit of the Committee that they find with deep regret has suffered in public opinion by the delay that has already occurred.

This Committee has also to report that in accordance with the resolution passed 9 Inst they have paid over to the Sheriff of the County the sum of *$4484.* the same being the amount collected & paid into the hands of the treasurer for the "Jail Funds," but would also suggest that doubtless many other collections have been made by members of the "Committee of Vigilance," who have not paid over the same not being aware that the funds were required and would respectfully suggest that measures be taken to make their collections and transfer the same to the Sheriff of this County for the purpose for which the donations were made

All of which is respectfully submitted

[Signed] Geo R Ward
" Eug Delessert
Treasurer
" J C L Wadsworth
Com on Finance

San Fr^{co} 13 Sept 1851

[Annotated:] Accepted

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[2] See p. 768.

Report in the Matter of Rent of Committee Room

Executive Chamber
September 13th 1851

Your Committee report the annexed Bill of rental of the Premises now occupied by the Committee[3]

It is stated that the owners refuse to rent the premises at a less rent than the amount stated in the Bill

It is necessary that the matter be referred to the Finance Committee. more properly belonging to him

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman
Sec pro tem

[Annotated:] referred to finance Committee with order to pay 300$

[*Report of Reuben Calhoun*]

Chairman Executive Committee.

Gentl. After diligent search. I am satisfied that the two men, passengers by the Ship "*Trescot,*" with "Hance" (now your prisoner) left San Francisco in a small sch. on Thursday Eve. for "Sonoma."

Frank & William are the names by which they go, Frank from all accounts is a desperate man, and would not hesitate to commit any crime.

I have a description of them.

Respectly &c
[Signed] 620. R. Calhoun

San Francisco Sept. 13. 1851
Present

[Addressed:]
Chairman Executive Com'tee
Present

[*Resignation of J. F. Curtis*]

Executive Chamber
September 13th 1851

The annexed resignation of James F. Curtis Esquire as a member of the Executive is offered for confirmation, and for such further action as the case may require

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[3] See voucher No. 44, p. 782.

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman
Sec pro tem

[Annotated:] accepted

San Francisco Sept 11th 1851

To the Prest Ex Committee

Sir, Please accept my resignation as a member of your body—

My business engagements will not allow that unremitting attention to the duties of the Executive, so necessarily devolving upon each member—

With feelings of esteem I remain Sir
Yours truly
[Signed] James F. Curtis

[Annotated:] Accepted Sept 11. 1851

[*Resignation of E. M. Earl*]

Executive Chamber
San Francisco September 13th 1851

Your Committee respectfully present the subjoined resignation for action

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman
Sec pro tem

[Annotated:] laid on the table

San Francisco Sept. 9th 1851

Dr Sir—

Without entertaining a doubt as to the necessity of the Organization and action of the "Vigilance Committee" Yet believing that the time has arrived, when our future welfare & reputation both at *Home* & *Abroad* calls upon us voluntarily to surrender into the hands of the legally constituted officers—recently appointed by the people, the powers that have been assumed and exercised by the Committee—I herewith respectfully tender my resignation as a member of the Committee of Vigilance—and ask that my name be stricken from the Roll of members

Very Respectfully
Yours &c—
[Signed] E. M. Earl
No 170—

To Isaac Bluxome Jr
Secretary &c—

Thoˢ McCahill. Resignation. September 13, 1851

San Francisco Sept 13th/51

To the president of the ex committee

Haveing been informed to night, that by a vote of the ex Committee, I have been requested to resign, I beg leave to say that it affords me grate pleasure to withdraw from said Committee, and of having an opportunity to do so

Respectfully
[Signed] T. McCahill

Executive Chamber
San Francisco Sept 13th 1851

Your Committee report the resignation of Thomas McCahill Esquire as a Member of the Executive Committee,

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman,
Sec. pro-tem

[Annotated:] accepted

[*Resignation of Stephen Payran*]

Saturday September 13th 1851
Executive Chamber
of the Committee of Vigilence of San Francisco

To my Colleagues Members of the Executive

Gent It is with unfeigned regret, and indeed sorrow, that I offer you my resignation as a member of your board, I have been long with you, and hoped to have conscientiously discharged my duty without regard to consequences, jealousy or censure, I have been informed that I in common with others have been made such a subject that although not present with you but absent on Tuesday our acts have been called into question; in somuch that reform in your Executive body is considered necessary

Notwithstanding the desire for reform, or rather the dissolution of the Association permit me to say, that amidst opposition, inattention, and carelessness, we have together brought all things to an happy issue and assisted to restore peace safety and tranquility to our City

I would love to see it continue for all time, and firmly believe that if the Association could exist under its present order, it would tend to preserve the happy state of our City and State, and make it the abode of Safety, happiness and prosperity—

Dissolve it, or do anything that would serve to disorganize it, in its essentials, you will throw it open to abuses, never to be recovered from—Anarchy and confusion would soon reign in our midst,

I would say to the General Committee through you that although I expected no thanks, I little thought I should receive censure, and that too when not present to resent it, suffice it to say with you I came in under the original constitution of the Committee, (and if reorganized) I die with it,

As a Citizen I am with you in all legitimate affairs tending to our Interest, or rather the Interests of the People,

I bid you an affectionate farewell, with this hope that your Successors, may not lose sight of what has preceded them

[Signed] S Payran

[*Plan for Reorganization*[4]]

Whereas seeming quiet peace and safety has attended our career of vigilence up to this period, and the dreaded evils to be apprehended from sudden outbreaks of the people have fallen short of the expectation of those who were opposed to such measures

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[4] This undated document, in Payran's handwriting, was probably prepared at the time of reorganization. There is no endorsement or annotation to show that it was submitted to the Committee.

And whereas the Committee of Vigilence of this City has been the Foster Father of all such Institutions throughout the State, whereby safety has been guaranteed to our Brethern, and hundreds of the evil-minded who were in our midst have fled, whereby much danger will be avoided

It now becomes us to so arrange the basis of our Association, that its labors may be lessened, and our usefulness continued, and the future present a bright scene compared with the past

Therefore we would suggest the propriety of this Committee continuing in its present form and in the following order

That the Executive Committee continue to discharge their duties by meeting (at a room to be selected) and there receive all reports that may be offered, and should any case occur of sufficient importance to call the General Committee together to then call them by notice to be given through the Public Papers or Tap of the Bell

And in conjunction with other Associations throughout the State, to hold all public matters under consideration, and report thereon,

To hold the acts of all our representatives subject to our examination, so that thereby some assurance may be had of their faithfully discharging their duties

We would also suggest the propriety of receiving all good citizens as members, who shall at their initiation pay five dollars with such monthly stipend as may be fixed upon

That there shall be a stated meeting of the General Committee not oftener than once a month, except in cases of necessity

That this Association shall not lose its identity, but exist in all its properties liable to be called into action whenever necessity may require

Resolved therefore that the Committee of Vigilence shall still continue under its present organization,

That the present order of business shall continue, and no meeting shall be called of the General Committee except on urgent business to be determined by the Executive

That the said Executive or a quorum of five meet every evening (at the place to be designated) and there receive reports, and attend to such matters as may come before them

That the services of a Sergeant at Arms under Salary be dispensed with, that the duty be placed on one of the Committee, who may retain the man (George or some other person) in our employ to take care of the room and attend the door

That the proceedings of the present Committee shall be engrossed and taken charge of by them for such future action as may be taken

That the Qualification Committee shall be merged in the Executive Committee, and that no new member shall be admitted except through and by the Executive Committee, under such rules and regulations as they may hereafter adopt.

~~[That there shall be a Judiciary Committee who shall have the Surveillance of the Judiciary of the County, as well as the subordinate branches of the same[5]]~~

That there shall be a Finance Committee whose business it shall be to take or receive all monies, and make disbursements on orders from the Executive signed by a Quorum

Also—That the Executive Committee shall have power to dispose of all surplus property the proceeds of the same to be paid over to the Treasury & to fill any vacancies that may occur in their midst from the General Committee—

SUNDAY, SEPTEMBER 14, 1851

MISCELLANEOUS PAPERS

[*Resignation of G. E. Schenck*]

Executive Chamber
San Francisco Sept 14th 1851

To the Committee of Vigilance

Gentlemen It is with great regret that we offer the annexed resignation of our Brother G. E. Schenck, who is about to leave the State on a visit, he has labored long and arduously with us throughout the trying scenes that have passed has shown himself an earnest advocate in our noble efforts to secure life and property against danger

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[5] The paragraph in brackets has been crossed out.

We humbly trust that in the acceptance of his resignation as a member of the Executive Body you will not forget what is due to one so meritorious

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman
Sec. protem.

[Annotated:] adopted with the thanks of this Com

San Francisco Sept 10 1851

To the Executive Committee of the V. C.

Gentlemen My contemplated departure for my native State renders it necessary that I should resign my seat as a member of your body.

In doing so allow me to express to you the sincere regret I feel at parting with Gentlemen who by their many Virtues have so endeared themselves to me, that their names shall ever hold a place in my memory.

Though I may be far from you, my heart and sympathies will be ever with you.

You will I know continue in the good work, you have so wisely and so justly begun and brought to such just conclusions Go on Gentlemen in this good cause of reform, in Criminal Jurisprudence, Ever keep a Vigilant Eye on those placed in office, from the Chief Officer of State, to the lowest in the gift of the people—

Let them know that they are the *Servents* of the people and to them they must surrender their trusts, when not faithfully executed—

Use your influance Gentlemen for the establishment of Schools, Academies, and Seminarys, of learning and virtue. This accomplished, you can with pride say that this—our State of California has become one of the brightest Stars in the great galaxy of our glorious Union—

Gentlemen allow me to express to you and through you to all the members of the Vigilance Committee, my sincere wishes for their personal welfare, and for the lasting good and greatness, of this your adopted City and State.

With sentiments of great regard & esteem I beg to remain ever

Yours Truly &c
[Signed] Geo. Everett Schenck[1]

To

Stepan Payran
President Ex Committee

September 11. 1851
Executive Chamber

G. E Schenck Esqr
of the Committee of Vigilance of San Francisco

Dear Sir In the name and on behalf of my Colleagues constituting the Executive body of our association to express our sincere regret at a seperation with one whom we so fondly esteem

We can never forget when with us at the inception of our duties you joined us with a willing heart and firm hand to relieve our adopted City from the many impending evils that hung over it.

We had suffered much and suffered long the torch of the Incendiary had destroyed us many times, ruin so frequently fell to our lot, that we became dismayed, the lives of many of our valuable citizens had been destroyed by the hands of assassins, it was under such a state of things that we banded ourselves together, having no alternative, our Judicieary and subordinates, had become corrupt; desperate offenders were allowed to go forth in our midst to riot on our lives and property for their pecuniary advantage.

Although the day was dark, and danger stared us in the face, we essayed to meet the storm and test the consequence, the spirits of our revolutionary Sires prompted us, virtue guided our acts, corrupt representatives yielded, Felons and Incendiaries fled, light has taken the place of darkness, and a calm has succeeded the storm, peace and security are restored.

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[1] The *S. F. Herald*, October 15, noted the departure for the east of G. E. Schenck.

You are about to revisit the scenes of your Youth, to see Eye to Eye those whom you love; and with you will attend the sincere wishes of your Colaborers that your fondest expectations may be realized

We humbly trust that if you ever feel disposed to revisit us, that you may find the good seed sown by us in honesty bringing forth all that we so ardently have desired, that California may be the abode of virtue and Innocence, and that such Confidence may be felt in its Institutions that yourself and all our Brethren may be induced to bring out their wives and children, and thereby to strengthen what we have done, as to bid defiance to the vicious and evil minded

Assure your friends sir that we are worthy of all commendation, that hereafter they may treat with us commercially with confidence

You are granted leave of absence and a remittance of all dues until your return

signed Stephen Payran
President Ex Committee

Attest

MONDAY, SEPTEMBER 15, 1851

MISCELLANEOUS PAPERS

[*Report in the Case of Howard, a Deserter from the U. S. Army*]

Executive Chamber
San Francisco Sept 13 [15] 1851

To the Committee of Vigilence

Gentlemen Some days since a Deserter from the service of the U. S. Army was arrested by our Committee and brought into custody—he was examined by the Executive and ordered to be given up, as well as to receive the sum of $30 for such Arrest, all of which we presumed had been done, although no report has been made

Today the annexed Letter of Mr Bohrer was handed in, by it he admits the fact of the desertion &c. but for the first time are we made aware of the arrest being made by Mr Bohrer (who is a member of the Committee) nor do we see that it alters the case

The Executive have no power to reconsider the matter, it having been acted on by your body, therefore we submit his Letter to you for such action as you may adopt in the premises

[Signed] S Payran
Presdt of Ex Committee

Attest G. W. Ryckman
Sec. pro-tem

[Annotated:] adopted

Committee Room
Sept 15 1851

Executive Committee Committee of Vigilance

Gentlemen I have been called upon to day to pay a bill of $30 for the arrest of the man Howard as a deserter from the U. S. Army. I wish to state that while the troops from the "Presidio" were on the expedition in the Indian Country as an escort to the Commissioners, I was ordered to that post (Presidio) to take charge of it & the public property, and while there this person Howard was sent there under my charge, he had been there for some time, and deserted, I spent many days looking after him without avail, till within two months ago I found him & sent him to the Presidio, where he deserted again, I searched for him then and did not find him until a few days ago, and brought him up here until I could make the necessary arrangements for carrying him to his Post, and I myself thought that as I had all the trouble with him that surely I should receive the reward for my labors, but whereas I find that I am adjudged to pay this sum back. Hoping gentlemen that you will reconsider that action I submit this to you for your decision[1]

I am gentlemen
Very Respty
Your Obt Sevt
[Signed] C. Bohrer

[Addressed:]
Stephen Payran Esq
Presdt Ex. Committee
Com. of Vigilance

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[1] There is no record to show that the Committee collected this reward.

[September 15, 1851]

[*Report on Prisoners*]

Executive Chamber
Sept 15th 1851

Your Committee respectfully inform you that all the Convicts and Prisoners in our Custody have been disposed of agreeably to your orders

We would therefore respectfully suggest that all the documents of the present Executive be engrossed, and ordered to remain in the Custody of such member of the Executive, as a majority of the Executive may select, so that the same may be carefully preserved in good faith that in the future their actions may be shown to any representative body, should it be required

These documents begun and ended with the present Executive, and cannot be of any present utility to any Executive body you may appoint to fill our places and we humbly trust that although reform may be your desire, you surely have confidence in our integrity, we have and feel a deep solicitude in the careful preservation of these Documents

[Signed] S Payran
Presd of Ex Committee

Attest G. W. Ryckman, Sec. pro-tem.

[Annotated:] laid on the table Sept 16, 1851
I B Jr Secy

[*Report. Case of W. C. Hance*]

Executive Chamber
Sept 15th 1851

Committee of Vigilence

Your Committee report that they appointed Mr Cartwright a Committee of one to attend to the Shipping of Hance per Steamer of to day, his report is hereunto annexed and submitted to you for confirmation

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman
Sec. pro tem.

San Francisco Sept 15/51

According to the above order I proceeded to the Ship *Panama* & had a conference with Capt Watkins & by him was referred to Mr Knight Agt for the P. M. Steam Co & by an arrangement with the parties I shipped W. C. Hance per Stear *Panama* which sailed this day—& wrote a Letter to Capt Watkins requesting him to claim the reward of $1000—offered by the authorities of New Grenada & pay over the same to the Vigilance Committee of this City after deducting the amt of passage money & charges[2]

All of which is respectfully submitted—

[Signed] J W Cartwright—

[Annotated:] adopted

TUESDAY, SEPTEMBER 16, 1851

MINUTES

Minutes of General Committee Sept 16. 1851

Mr Selim E Woodworth in the Chair

Minutes of former meeting read & approved

The Special Com appointed to waite up[on] the Gov McDougal beg to report that they have seen and made the request desired by this Committee and he declines to give the names of the Gent who signed the petition for the release of Chas Duane

By M Cartwright—[. . .]

By Fred Woodworth [. . .]

MISCELLANEOUS PAPERS

[Receipt from Thomas Burdue]

Received San Francisco September 16. 1851 from Isaac Bluxome Jr Secretary of the Vigilance Committee the sum of two Hundred and fifty two dollars money collected by subscriptions for me and Fifty dollars paid three weeks since by same party [Signed] Thomas Burdeu[1]

252
50

$302

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[2] There is no record that the Committee ever received the reward.

[1] See note 1, p. 550. The spelling Burdeu has not been adopted by

[*Subscription for Thomas Burdue*]

J. J. Chaviteau	10 $	
Madam De Bucoaur	4.	Bekure
Senor Oreige	10.	Orago
Senor G. Alvaras	16.	
Senor Sartrusteka	50.	
	50.	

Presented by P. Petrovits on behalf of the Donors for the benefit of Berdue Your Committee respectfully suggest that a vote of thanks be passed to the Donors through the Executive who have been deputed to make the presentation on behalf of P. Petrovits Esquire

[Signed] S Payran
Presdt of Ex Com

Attest G. W. Ryckman
Sec. pro. tem.

[*Resolution*]

Resolved that the new executive Committee be authorized to give up their present Head Quarters & procure some suitable place of meeting less expensive than the present—& also to dispose of all surplus effects & pay the avails[?] into the Hands of the Treasurer of the executive Committee—

[Signed] J W. Cartwright

Sept 16/51
[Annotated:] adopted

[*Resolution*[2]]

By D J Thomas

Resolved—That each person appointed on the Ex Com—be required to notify the President in writing of his acceptance,

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the editor, because the signature is somewhat obscure, and elsewhere in these documents, in the papers of the day, and in published accounts of his story, the form Burdue has been universally followed.

[2] The minutes for September 16 are, evidently, very incomplete, as the report of the committee on reorganization (p. 642), was presented and adopted at a meeting of the General Committee held on that date (*Alta California*, September 17). The resolution of D. J. Thomas prob-

& that any one who does not give such notice shall not be a member of the Committee

that the Gent have 10 days to accept—

That the Secy notify each member of his election

Sept 16. 1851

[Resignation of J. C. L. Wadsworth from the Finance Committee]

Executive Chamber
To the Committee of Vigilence Sept 16th 1851

Permit me to present the resignation J. C. L. Wadsworth Esquire as a member of the Finance Committee, which is presented for acceptance

[Signed] S Payran
Presdt of Ex Com

[Annotated:] laid on the table

San Francisco Sept 15th 1851

Gentlemen

Please accept my resignation as a member of the Finance Committee

Very Respectfully Yours
[Signed] J C L Wadsworth

WEDNESDAY, SEPTEMBER 17, 1851

MINUTES

[After the reorganization, minutes were copied in a leather-bound record book, 10½ × 15⅛ inches in size, and the legible handwriting and consistent form of entry, reflect great credit on the accuracy and zeal of the secretary, Isaac Bluxome, Jr. Among the loose papers many drafts of the minutes are also preserved, and comparison sometimes furnishes useful annotations to the copy in the record book.]

Proceedings of Executive Committee San Francisco Sept 17. 51

Report of Select Committee of five

The Committee to whom was reffered the subject of selecting the names of Fifty or a less number of Gentlemen to constitute

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ably followed the election of the new Executive Committee, and examples of the correspondence there authorized are to be found on pp. 647–649.

an Executive Committee who shall hold their offices for a period of six months, and to suggest such other measures as in their judgment may be of interest to the association and the community beg leave respectfully to report

That they have selected the following names of Gentlemen in number forty four as candidates for election by the Association. That they recommend upon the election of the Committee that the association adjourn "sine die" and the present acting Executive Committee turn over to the newly selected committee all papers, books, and documents emenating in the operations of the Committee since its formation.

That twenty two members of this Committee shall hold their office for a period of one year from the date of election and twenty two for a period of six months the short and long term to be determined by drawing.

That they shall choose their own officers, and shall have power to fill any vacencies that may arise by resignation or otherwise.

That fifteen days before the expiration of the six months for which they are elected they shall call the association together and submit a report in writing of their proceedings during the period of six months, and the association shall then elect twenty two members to fill the vacencies of those whose term of six months have expired.

That said Executive Committee shall take no action for the arrest of criminals or in any manner interpose with the due course of law but should any immergency arise which in their judgment requires again the action of the association they shall call them together by such signals as may be agreed upon.

That this committee be instructed to watch with vigelance the actions of our courts having criminal jurisdiction and also all men in official stations and especially observe the operation of the laws now in force and should they deem it expedient to have such laws altered or amended whereby greater facilities may be had to convict and punish criminals they may be authorized to petition the legislature upon the subject and use their exertions to have such amendments carried.

The Association believing the Community rely mainly upon them to shield them from the evils arising from the mal administration of the law, the association will hold this executive Committee to a strict accountability in the performance of this duty.

The following are the special committee Capt. J F Hutton, Saml Dewey, F Argenti, E Delasaret, Charles L Case.

The following is a list of Gentlemen proposed for the Executive Committee.

W D M Howard
Sam^{l} Brannan
W T Coleman
Jas C Ward
Capt E Gorham
B C Saunders
S E Woodworth
James King of W^{m}
James Dowes
H F Teschemacher
Dr A B Stout
F Vassault
J S Parrott
R M Jessup
J B Huie
Joseph Post
Charles Griswold
Col White
Stephen Payran
Dr Beers
H A Cobb
J Pratt Stephens
G M Garwood
G W Ryckman
T J L Smiley
J W Cartwright
W^{m} W Thompson
L D Kinnay
A Kirchner
W H White
Capt John Raynes
" D Jan[vrin?]
Jas M Swift
Geo R Ward
H M Naglee
W Burling
J Delong
W C Annan
Lieut L Maynard
W A Darling

The above list of names were approved by the General Committee and they were declared duly elected.

It b[e]ing stated by one of the General Committee that Col White was about leaving the City for a time a vacency was declared and the Chairman was called upon to appoint a Gentleman to fill said vacency.

The Chairman appointed Capt J F Hutton, and was approved of by the general committee.

On motion of [. . .]

The names of the special committee appointed to select the names of fifty gentlemen to serve as an Executive Committee shall be added to the forty names, carried and the following names were added Samuel Dewey, Felix Argenti, Eugene Delessert, and Charles L Case.

Minutes of Executive Committee September 17. 1851

Members of Executive Committee of 44, present 27.

Cap't. J F Hutton was called to the Chair.

Upon balloting for President Mr Stephen Payran was elected.

Mr Isaac Bluxome Jr was elected a member of the Executive Committee in place of J Pratt Stephens who did not accept

Mr. Bluxome was also elected secretary.

Mr F Woodworth was elected a member of Executive Committee in place of Dr Beers, who is not a member of Vigilance Committee

The following Gent were elected as the Finance Committee George R Ward, L Maynard, & E Delasaret.

The following motion was made by Capt J F Hutton

That Mr. Bluxome be authorized to collect the amount of dues & fines now due this Committee and receive 10% on amount collected, and also that he be allowed to employ one of the Collectors of the Committee.

On motion of Capt Hutton

Resolved That a Committee of three be appointed by the President to draw up bylaws for the government of the Executive Committee and also to report the number necessary to form a quorum. The following gent were appointed Mr. S. Payran, G W Ryckman, L Maynard [1]

On motion of James C Ward

Resolved That a committee of three be appointed to select a proper room for the Executive Committee, and that said committee remove the fourniture to it. Committee, Mr S Payran, E Gorham & H A Cobb

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[1] See report of the committee, p. 659.

[Cap't W D M Howard

That Mr Thompson be appointed a Com of one to waite upon the owners of the present building to know how long the Com may occupy the present room without charge.[2]]

On motion Geo R Ward,

Resolved That the Secretary be ordered to notify the members of the Vigilance Committee through the public press to hand over the moneys they have collected for the Jail fund to the treasurer.[3]

On motion of Capt Hutton

That the Committee now adjourn to meet again on Wednesday evening the 24 inst at ½ past 7 o'clock.[4]

[Signed] Isaac Bluxome Jr
Secretary.

"Accepted"

MISCELLANEOUS PAPERS

[*List of Members*]

[The following undated memorandum is attached to the papers of this date. It is, evidently, a list of names proposed for the Executive Committee but somewhat different from that copied in the book of proceedings.]

J W Cartwright
J M Swift
G Ward
Annan

Dr Stout
White
Jessup
Maynard

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[2] The motion enclosed in brackets is from a draft of the minutes.

[3] The following notice appeared in the San Francisco papers, September 19 to 25:

"Notice. Those members of the Vigilance Committee who have made collections for the 'Jail Fund' are hereby requested to pay over the same to E. Delessert, Esq. Treasurer, without delay; and members are also requested to hand their subscription lists to the Secretary before the 25th inst. as at that time a list of the donors will be published.
By order of the Executive Committee."

[4] The following notice appeared in the papers of September 23:

"Notice. The Executive Committee of the Committee of Vigilance will hold a special Meeting at their rooms, over Messrs. Middleton & Smiley's at the corner of Sansome and Sacramento Streets, on Wednesday Evening, the 24th inst., at half past 7 o'clock, for the transaction of important business. By order of the President
——— Secretary."

Smiley
Cobb
Huie
Kerichner
Teschmaker
Naglee
Ryckman
Dillon
Dewey
Howard
Argenti
Case
Payran

B C Saunders
Thompson
King of Wm
Darling
C Griswold
Hutton
N. Ward
Gorham
Delessert
Garwood
Parrot

[*Resolution*]

Mr Curtis

Moved that every member who has not handed in his list of Jail fund contribution be ordered to pass in his list, and $30 if no more has been collected in Cash at the same time—

[Annotated:] Carried I Bluxome Jr
Secretary

[*Notification of Election*]

San Francisco Sept 17, 1851

E Delasaret Esq

Sir You were last evening elected a member of Executive Committee of Committee of Vigelance and are requested to meet at the Committee room at 12 o'c at noon.

And are requested to state in writing whether you will serve or not.

By order of Genl Committee
[Signed] Isaac Bluxome Jr
late Secretary—

[Addressed:] E Delasaret Esq
Present

[September 17, 1851]

[*Letters from Members Elected September 16*]

Isaac Bluxome Jr Esq Secretary V. C.

Sir, Your communication of this day informing me of my election to the "Executive Committee", has been received.

I accept the honor conferred and remain

Respectfully
Yr Ob Svt
[Signed] Geo. R Ward

Sept 17 1851

To the Executive Comm^e of the Vigilance Comm^e

San Francisco Sept 17/51

Gent^n, Your note pr. Secy notifying me of my election as a member of the new executive Comm^e is at hand, for this mark of confidence on the part of the Vigilance Comm^e I return my acknowledgements & accept with pleasure the appointment—

Respy I am Yr Obt St
[Signed] John W Cartwright

[Addressed:]
To the Executive Committee of the Vigilance Committee

San Francisco

Mr I Bluxson Jr

I rec^d your note and will accept the appointment of one of the members of Ex Com^{te} and shall endeavor to do what may be required of me in the furtherance of the object

[Signed] J M Swift

San Francisco Sept 17, 1851

[Addressed:]
I Bluxson Jr Secty Vig Com^t

Isaac Bluxome Jr Esq

My dear Sir Your favor of this date has just been handed me.

Through you, I would beg to convey my thanks to the "Committee of Vigilance" for the honor they have conferred in selecting me as a member of the "Executive Committee" of their body—Flattering as is this mark of your Esteem, I most respectfully must decline the position which has been assigned me—

With respect I am D^r Sir

Very truly yours

[Signed] J. Pratt Stephens

17^th September /51

The undersigned begs leave to say he accepts the appointment as a member of the Executive Com^te

[Signed] Wm. H. White

Sanfrancisco 18^th Sept 1851

[Addressed:]

To the President of the Vigatence committee

San Francisco Sept 17/51

To Sec^y

Dear Sir Your note informing me of my election as member of the Executive Committee is rec^d

Please tender my acceptance to the nominating Committee

Much oblige

Yours Respy

[Signed] W C Annan

San Fr^o. Sept 17, 1851.

To the Sec^y of the Vig^e Com^e of San Fr^o

Sir Being apprised that I am appointed a member of the Executive Committee of the Vigilance Committee under a new organization of that body which was formed last evening I have the honor herewith to accept the appointment, and return my thanks for the expression of confidence offered me [by] the Gentlemen composing the Committee

Very Respectfully Sirs

Your Ob^t Serv^t

[Signed] Arthur B. Stout

[Endorsed in pencil:]

R. W. Jessup

WEDNESDAY, SEPTEMBER 24, 1851

MINUTES

Minutes of Executive Committee San Francisco
September 24 1851

Mr. Stephen Payran in the Chair

Minutes of former meeting read and approved.

Thirty five members present

On motion of Mr. Cartwright

Resolved That a Committee of three be appointed by the Chair to obtain counsel for Mr F A Atkinson in the case of Metcalf vs Argenti Atkinson and als— The Committee are Mess. Jas B Huie F A Woodworth, & J W Cartwright.

The resignation of Cap't E Gorham was read and accepted to take effect on the first of the following month

On motion of G W Ryckman

George J. Oakes was elected to fill the vacency occasioned by the resignation of Cap't E Gorham—to take his seat on the first of October.

On motion of Capt J F Hutton

Resolved That a Committee of three be appointed by the Chairman to nominate members for the Executive when vacencies occur—The Committee are Mess. G M Garwood; Chas L Case, & G W Ryckman.

On motion of Col Huie

Resolved That Mr. Oakley be employed to attend to the rooms of the Committee at 100.$ pr month, and that George the porter be paid for his services to this time and discharged. "carried."

On motion of Mr W T Coleman

Resolved That the Keeper of the rooms have charge of and keep them open day and night—and admit no member unless his dues and fines are paid. "carried."

On motion of Mr F A Woodworth

Resolved That Mess Ralph S Dorr, George N Shaw and Chas Scholefield be admitted as members of the Vigilance Committee—Capt J F Hutton voted in the negative and desired that his vote be recorded, All others in the affirmative. "They were declared elected."[1]

On motion of Mr G W Ryckman

Resolved That a Committee of four be appointed by the Chair to waite upon the French Consul and Mr King the Collector of the port and obtain from them all the information possible about a vessel bound to this port from France, said to have on board about five hundred desperadoes. The Committee appointed were Mess F. Woodworth, F. Argenti, G. W. Ryckman, & Geo R Ward.

The Committee on by laws report that for want of time they have not been able to draw them up.

Mr. Charles L Case made a motion that the Committee have further time. "carried"

On motion Mr Bluxome

Mr. Geo R Ward was appointed to fill the vacency in Committee on by laws, occasioned by the absence of Lieut Maynard. "carried"

The Committee on removal report that the lumber in former Committee Rooms was sold by Mess Blackburn & Thompson for the benefit of this Committee. "report accepted"

The Committee on furniture report—that all extra furniture was sent to Mess Cobb & Cos to be sold by them at Public Auction, and desire further time to complete sales. report accepted & further time granted.

Committee on rooms report, that they selected those over Mess Middleton & Smiley[2]—being central and less in price than any other, and had them arranged as convenient as possible for the members—and desired to be discharged. "report accepted, and Committee discharged"

The Treasurer of the Committee, Mr. Delesseret offered to loan the Committee one thousand dollars for sixty days without interist, in order to pay the outstanding bills which was accepted with the thanks of the Committee and all bills ordered paid except those of the Council of Mr Atkinson in the suit of Metcalf vs Argenti Atkinson & Als

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[1] Dorr signed as member 707 but the names of Shaw and Scholefield do not appear on the roll.

[2] Middleton and Smiley were auctioneers and commission merchants. The following notice appeared in the San Francisco papers from September 25 to October 11:

"Notice. The Committee of Vigilance Chambers have been removed to Messrs. Middleton & Smiley's building, corner of Sacramento and Sansome streets, and are open at all times, day and night, to the members, agreeably to the rules of the Association. By order of the Committee."

On motion of Mr Sam^{l} Dewey

That the Committee adjourn to meet again on Saturday Evening the 27 inst at ½ past 7 o'clock

The following Gentlemen were elected to serve on the Executive Committee for 12 months

E Delesseret
J Delong
George R Ward
Jas C Ward
G M Garwood
T J L Smiley
R D Kinnay
J Kirchner
W D M Howard
Lieut L Maynard
Samuel Brannan
W^{m} W Thompson
F Woodworth
Jos Post
W A Darling
Jas M Swift
B C Saunders
H A Cobb
Ja^{s} Dowes
Dr Stout
W C Annan
J S Parrott

The following were elected for six months

H M Naglee
Jas King of W^{m}
Ja W Cartwright
W Burling
S Payran
Saml Dewey
E Gorham
F Vassault
S E Woodworth
W T Coleman
R M Jessup
D Janvier [Janvrin?]
G W Ryckman
Jas B Huie
J Raynes
F Argenti
Chas L Case
I Bluxome Jr
W H White
H F Teschemacher
J F Hutton
Cha^{s} Griswold

[Signed] Isaac Bluxome Jr
Secretary

"approved"

MISCELLANEOUS PAPERS

[*Resignation of E. Gorham*]

To the Executive Committee of the Committee of Vigilence

Gentlemen It is with regret that I am compelled to hand in my resignation as a member of your board. I am now making preparations to depart for the Atlantic States and shall probably leave on the 1st of next Month. Therefore, however much I should like to remain and take part in your future actions necessity compeles me to resign

With every hope for your wellfare and a full and firm reliance on your discretion

I remain
Your Obt. Servt
[Signed] E. Gorham

San Francisco Sept 24/51

[Annotated:] As a member of Ex Com After the 1st of next month accepted

[*Report*]

To the Committee (Executive)

Gentlemen Your Committee appointed to draft Bye Laws for the future action of your Body

Report that owing to the shortness of the period, and the duties devolving on them or a portion of them, in the removal and disposal of the Committee property, the necessary arrangement of the New Rooms, and their own private duties have prevented them from meeting and discharging the trust confided to them

They therefore pray that they be discharged, or have leave to sit again

[Signed] S Payran
" G. W. Ryckman

San Francisco Sept 24/51

[Annotated:] "By Mr Chas Case" That Com have further time.

[September 24, 1851]

[*Report*]

To the Executive Committee of the Committee of Vigilence of
San Francisco

Gentlemen Your Committee report that the Lumber contained in the Old Executive Chamber, and Prisoner's room was privately disposed of by Mess Blackburn & Thompson at our instance and request, account sales of which have not yet been rendered

[Signed] S Payran
" H. A. Cobb
" E. Gorham

[Annotated:] "Accepted

[*Report*]

To the Executive Committee of the Committee of Vigilence of
San Francisco

Gentlemen Your Committee appointed by you to dispose of the effects belonging to said Committee report, that the annexed schedule contains all the goods and chattels that was thought necessary to dispose of, that they sent said goods to Mess Cobb & Co to be sold at Public Sale, the whole not having been disposed of, no account has yet been rendered, therefore your Committee report progress, with leave to proceed

[Signed] S Payran
" H. A. Cobb
" E. Gorham

[Annotated:] Accepted

Inventory of effects consigned Messrs Cobb & Co for sale

32 Mattresses
41 pr Blankets
64 Pillows
2 Tables
6 Small Tubs & 2 Large Tubs
20 Side Lamps complete
12 Candle sticks
1 Dimejohn & 1 Jug
½ bbl Hard Bread, ½ Tub Butter—1 Tin Bucket cont^s Lard
2 Empty Oil Casks

1 Trunk & Contents
10 Window Curtains
1 Pitcher & Basin
2 Tin "
1 wooden Buckets
1 Small Looking Glass
1 Coffee Urn & Lamp
1 " Pot
2 Tin Oil Cans
1 " Pan

1 Lot Crockery Ware

6 Cups, 10 Saucers, 4 Dishes, 12 Mugs, 10 plates
12 Spoons
6 Broken Chairs
35 Benches

[*Report on Headquarters*]

To the Executive Committee of Vigilence Committee of San Francisco

Gentleman Your Committee respectfully report that agreeably to orders they proceeded to view and select rooms suitable for the future meetings of the Committee that they viewed those of White Brothers California Street Naglee's Building, and those of Middleton & Smiley of the three, they selected those of Middleton & Smiley on the ground of being central and convenient, and much cheaper in price, and Leased the same at fifty dollars per Month, and employed Mess Duff & Ryan Carpenters to remove Partition, arrange rostram, Newspaper Desk Water Cask &c—also employed Mess Baker & Messerve to Paper the rooms, they asking within a few dollars as much to repair as to Paper[3]

They also purchased of Mess Gavitt & Co. Candelbra's[4] for said rooms. at the price of eighteen dollars per sett, your Committee also retained the Matting on floors belonging to Mess Middleton & Smiley who agreed to charge the mere cost

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[3] See voucher No. 80, p. 791.
[4] See voucher No. 91, p. 796.

[September 24, 1851]

J. S. Eagan was employed to do some Painting, the Bills for which items have not yet been presented, we therefore pray, if acceptable to you to confirm our Acts, and discharge us

Very respectfully Your Committee
[Signed] S Payran
" H. A. Cobb
" E. Gorham

San Francisco Sept 24/51

[Annotated:] Adopted "Accepted"

[*Report*]

To the Executive Committee of the Committee of Vigilence of San Francisco

Gentlemen Your Committee report, that the annexed schedule contains a list of all property thought necessary to reserve, for the use and benefit of the Vigilence Committee, and that the same are in possession of and duly arranged in the Rooms selected by us, and pray to be relieved

[Signed] S Payran
" H. A. Cobb
" E. Gorham

Francisco Sept 24/51

[Annotated:] Accepted

Inventory of effects reserved by the Executive Committee

15 Benches
Rostrum
Lot of Lumber
Files & Padlocks
Chairs, Ruffles & Padlocks
Salver & Looking Glass
Prs Chair, 2 Arm do & 30 common do
3 Tables & 1 Small Do
10 Lamps complete
30 Towels, Matches, &c.
Water Cask, fawcit, Basin 2 Pitchers, 5 Tumblers
1 Tin pan—
1 Clock, Banner, Burglars Tools, Pistols &c
All Executive Furniture, Inkstands &c &c

We further present that the services of M^r^ Oakley late Sergeant at Arms, and Porter George were retained to assist in making and carrying the necessary arrangements of your Committee, for which they are entitled to pay, they have been attentively engaged in the discharge of their duty, and are now subject to your order

Some Persons unknown to your Committee have made donations towards decorating the rooms, whose names the late Sergeant at Arms should report, in order that the thanks of the Committee be rendered them

Our Worthy Secretary, I. Bluxome Jr has given much time and attention to the re-arrangement of our Committee Rooms, to whom the Sub Committee feel much indebted and recommend that the thanks of the Executive Committee be tendered him

The thanks of the Committee are also due to our Colleague M^r^ Cobb for the handsome silver Candelabra presented by him to Committee

[Signed] S Payran
" E. Gorham

[Annotated:] "Accepted

[*Treasurer's Report*]

Having in hand almost enough funds to pay at once all debts due by this committee and wishing for the honour of this committee to be allowed to pay them all at once

M^r^ Dellessert treasurer propose to advance one thousand dollars—for two months without Interest in order to give time to cash all dues & fines—but also provided said sum will be g[uar]antee by the Committee

Money received—since last meeting $. 1061.50

[Signed] Eug Delessert
1st meeting San F^o^ 24 Sept Treasurer

[Endorsed:] Accepted except in regard to council fees in case of Argenti Atkinson & Als

[*Communication from S. L. Dewey*]

I understand that Persons have expressed great surprise at members of the Vigilance Committee Receiveing Donations from

Citizens of San Francisco. I beg leave to State that in no instance have I asked in the name of the Committee of Vigilance, but simply on my own responsibility and of such as I could ask, with the freedom of acquaintance & friendship and I have therefore given the names of those whom I Reed from & the am't.[5]

Respectfy [Signed] Sam L Dewey

[*Report of Collector*]

San Francisco Sep^t 24^th 1851

Sirs,

I return to you the amount collected on my list. those whose names are marked not paid I have not seen for some time, they being Inspectors on board ships but shall in a few days, being unable in consequence of a severe fall to walk about. I shall not be able for [a] week to see them,

Very Respectfully
Your Ob^t Servant
[Signed] Bela Dexter (508)

Messrs E. Delessert, Legieron & Co

[*Letter from Alex Kirchner*]

Sanfrancisco 19 Sept 1851

Secretary Vigilance Committee

Sir In reply to your note of 17^th inst I beg to state that I accept the appointment as a member of the Executive Committee

I am, dear S'rs
Yours &c
[Signed] Alex Kirchner

[*Letter from Vigilance Committee of Stockton*]

Stockton Sept 21/51

To the Vigilence Committee of Sanfrancisco

Gentlemen There is a Man On his way home by the name of Geo. Dewitt Who has Stolen Eight hundred Dolls. on Barns Creek he is in Size about 5 ft 10 inchs high about 50 years

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[5] A list reporting collections of $277 is appended to this communication.

Old, Blk Hair, heavy Beard, Slightly Gray Wore when he left Brown Hat. Red Shirt and was a little Lame in both ft, he has been working fine Gold Gulsh, this is a very Indefinite description, but you may Identify him, going aboard the Steamers, hoping he may be caught and brought to Justice, I Remain yours

Stockton V. C. p Sharps

[Addressed:]
Vigilence Committee
Sanfrancisco

SATURDAY, SEPTEMBER 27, 1851

MINUTES

Minutes of Executive Committee San Francisco
Sept 27 1851

Mr. Stephen Payran in the Chair.

Eighteen members present.

Minutes of former meeting read and approved.

The Committee on Bye Laws reported the following which were approved.

Bye Laws of Executive Committee

First The *officers* shall consist of a *President, First and Second Vice Presidents, Secretary, Treasurer,* and *Sergeant at Arms* who shall all be elected for the period of six months.

Second *It shall be the duty of the President,* to preside at all meetings, to issue all orders emanating from the Committee, and to call special meetings when he shall deem the same necessary.

It shall be the duty of the *Vice Presidents* to officeate in the absence of the President.

It shall be the duty of the *Secretary* to keep a Journal of the proceedings of each regular meeting of the Executive Committee which shall be read before proceeding to business and amend or approve as may be deemed expedient. It shall also *be his duty* to collect the *dues and fines* to pay the same to the Treasurer and to report the sum collected at each stated meeting

[It shall be the duty of the Secretary to keep a record of the proceedings of the meetings, signed by President and countersigned by Secy and under the direction of the President, to take charge of the books & papers of the Committee of Vigilance. Not adopted[1]]

It shall be the duty of the *Treasurer* to receive all moneys belonging to the Committee of Vigilance and to disburse the same by order of the Executive Committee, and to render his accounts at the expiration of each month or oftener if required by a vote of the Committee.

It shall be the duty of the *Sergeant at Arms* to take charge of the rooms and property of the Committee, to keep the same in order, to take charge of all prisoners, to serve notices, and to do and perform such other services as shall be required by the Committee.

Third That, there shall be a *Finance Committee* of five elected for six months to whom all accounts shall be refered, as well as other "Fiscal matters," and their report thereon shall be made to the Executive Committee for final action.

Fourth That, there shall be a *Qualification Committee* of five, elected for six months, whose duty it shall be to receive applications for membership to the Committee of Vigilance and to recommend the same to the Executive Committee for election, and also to recommend Candidates to fill vacancies that may occur in the Executive Committee.

Fifth That, the *Executive Committee* shall hold a stated meeting on *Wednesday* of each week.

Sixth *That a Quorum* for the transaction of business shall consist of *nine* members.

Seventh That it shall be the duty of the *President* to call a special meeting upon the written request of any *five members.*

Eighth *The seat of any member* of the Executive Committee shall be declared vacant, who shall absent himself from *three consecutive* stated meetings unless the Committee shall have been previously informed of his intended absence from the city, or other inability to attend, unless a reasonable excuse be given.

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[1] The paragraph in brackets is from a draft of the by-laws.

Ninth *All Members* coming in after roll-call shall report themselves to the *Secretary*, or be deemed to have been absent.

Tenth All *reports* of *Committees* and *resolutions* offered shall be in writing.

Eleventh No member shall be allowed to speak more than twice, or longer than *five minutes*, upon any question, except by permission.

Twelfth *No change shall be made in the bye laws*, unless by a vote of *two thirds* of the members present of the Executive Committee. and by *one week previous notice* having been given in writing.

In section second, on the duty of Sergeant at arms, and on the third line, the words "to take charge of all prisoners" Cap't J F Hutton voted against, and desired that his vote should be recorded

Committee on By Laws, S Payran, G W Ryckman, Geo R Ward

The following is the report of a Committee who waited upon Mr Atkinsons lawyers in the suit of Metcalf vs Argenti Atkinson & Als

Your Committee appointed to engage legal counsel in behalf of Mr Atkinson, called on Mr E G Austin who stated that he intended to defend Mr Atkinson until his case should be disposed of finally waving all questions of compensation at present and leaving all pecuniary considerations in the discretion of the Committee. He also expressed a wish to conduct the case alone deeming additional counsel superlative in the present stage of the trial.

Committee J W Cartwright & F A Woodworth—
Report & services of Counsel accepted.

The Committee appointed by your honorable body to confer with the Collector of the Port & the Consul of France in regard to the apprended introduction into this State of foreign Convicts under the sanction and patronage of the French Government beg leave respectfully to,

[September 27, 1851]

Report that in fullfilment of the duties devolved upon them by your instructions they waited upon the Hon'e T Butler King, made known to him the wishes of your body, and desired to be placed in possession of whatever information he possessed in regard to the subject in question.

Your Committee take great pleasure in stating that their wishes were at once cheerfully complied with as will be seen by the communications appended to this report. They would also state that the Collector expressed to them his sincere and ardent approval of the measures and the actions of the Committee of Vigilance and assured them that he would be most happy at all times to co-operate with them and to render them every aid and assistance in his power.

Your Committee also waited upon Mons Dillon the Consul of France and submitted to him the communication received from the Collector, and respectfully requesting him at the same time to make known to your Committee any facts or information he might possess in relation to the matter. The Consul assured your Committee that no apprehension need be entertained that the Government of France would sanction the shipment to this country of any of its convicted felons, that it had ever been foreign to their policy to do so, and that under the existing Constitution of the Republic, it would not be in the power of the Government to take any such action without the authority of some special Law for the purpose, and that no such law had ever been enacted. The Consul further states, that in all cases where vessels arrive from any port in France with passengers such passengers always come duly accredited by an Agent of the Government at the place of embarkation whose duty it is to strictly examine the credentials and passport of every passenger so embarking.

That he, the Consul, is furnished with an official copy of the Register, containing the name, birthplace, description and occupation of every such passenger, and upon the arrival of the vessel in this port he personally examines each passport and compares the same with the register refered to. He further states that if it be deemed a matter of expediency he will make the suggestion to his Government that all emigrants to California should be required to obtain the endorsement of their passports by the American Consul, at the port of embarkation, and he thinks such recommendation will be at once complied with. He also called the attention of your Committee to the orderly character and general good deportment of the present French population of California, and expressed his renewed assurances that his Government had never sanctioned the shipment to this state of any portion of their convicted felons. He further expressed to your Committee his willingness at all times to submit such documentary evidence to inspection, as may come in his possession, touching the character and description of passengers arriving from France at the Port of San Francisco.

That your Committee might obtain all the information possible in regard to a subject of so much importance to our Community, they likewise waited upon Mess Marziou & Co of this City, agents for the vessels which are to transport from France to this Country some 5000. French emigrants in the course of the coming year.

Mons Matthey,[2] the representative of the house explained to your Committee the nature and character of this extensive plan of emigration, and expressed his sincere belief that the class of passengers it comprehended would be a most valuable acquisition to our population, inasmuch as it would be chiefly composed of mechanics, laborers, and agriculturists, who while bettering their own condition in life, would add wealth to the Country by assisting to develope its resources.

Mons Matthey informed your Committee that he had been waited upon by the French Consul in regard to this matter and that he had since written a letter, which he submitted to them, addressed, to his correspondents in France, in which he alludes to the reports in circulation here, and urges upon them the necessity and importance of ascertaining the character and standing of every emigrant passenger, and forwarding the same in anticipation of their arrival. He further advises his correspondents of the existance of a powerful association styled the Committee of Vigilance who have combined together for the purpose of ridding this community of all disreputable characters, and who he assures them have the determination and the power to carry out their views; as an instance of which he alludes to the fact of several criminals having been executed by them in the open day, where the authorities were powerless to interfere.

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[2] Henry Mathey. *Parker's Directory*, 1852.

Collectors Office Custom House, San Francisco
25 of September 1851

F Argenti Esq.

Dear Sir I beg to forward to you an extract from a letter from John L Hodge Esq U S Consul at Marseilles relative to the departure from France, and arrival here, of a class of passengers very detrimental to the interests of this country

Very Respectfully
Your Obedient Servant
signed. T. Butler King.

"Extract from a letter from Jno L Hodge Esq U S Consul at Marseilles under date of 28th April 1851."

"In regard to passengers a great many are of the very worst class of desperadoes of Europe. I have *reason to believe* some sent at the expense of the Government. I should recommend your City Authorities to impose a heavy tax on *all* passengers from Europe and to suffer none to land who have not regular passports from their respective Governments with the visé of the U S Consul: it may be given gratis. If you permit all to land coming from Europe your Country will be filled by a worse than Italian Banditti. A French Merchant who sent a ship to your port told me he had realized, "A very great profit on the cargo," and mentioned to me yesterday—"I have just received letters from San Francisco, a great many *malefactors* had arrived—in three vessels from this Country upwards of 500 passengers some of the great desperadoes &c.

Committee F Argenti, F A Woodworth, Geo R Ward, G W Ryckman. Report accepted and Committee discharged

[On motion Mr S E Woodworth[3]]

It was ordered that the foregoing report should be printed

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[3] The words in brackets are from a draft of the minutes.

The Committee on rooms [report] that they were presented with a pair candelabras from Mr. Cobb, and had returned one pair purchased from Mess Gavitt & Co. Report accepted & a vote of thanks to be sent to Mr. Cobb

On motion of S E Woodworth

Resolved That the Secretary make a copy of the bye laws and have them posted in the rooms. "carried."

On motion of G M Garwood:

Resolved That Selim E Woodworth be elected as first Vice President of the Executive Committee. "Mr. Woodworth was elected."

On motion of Jas C Ward

Resolved That Mr G W Ryckman be elected as second Vice President of the Executive Committee "Mr. Ryckman was elected."

On motion of Capt J F Hutton.

Resolved That the date of office of the members of the Executive Committee commence on the 17th of September. passed.

On motion of George R Ward

Resolved That Mr. Oakley be confirmed in the office of Sergeant at Arms. passed.

On motion of F Woodworth

Resolved That in future the hour for the meeting of the Executive Committee be at 8 o'clock. carried

On motion adjourned

[Signed] Isaac Bluxome Jr.
Secretary.

Minutes of Ex Committee Sep't 27, 1851. Continued.

The following Gent were elected as the Finance Committee

George R Ward E Delassert
L Maynard Jas King of Wm
T J L Smiley

["Elected—and their election date on the 17th day of Sept—the day on which the Com of 5 made their report"[3]]

[September 27, 1851]

The following Gent were elected as the Qualification Committee

Cap't Garwood Chas L Case
G W Ryckman Capt Hutton
Fred Woodworth
[Capt Garwood Capt Hutton Mr Darling Mr Dewey[4]]

A letter was received from Mr J H Jones in which he thanks the Committee for executing Stewart, Whitaker &——& states that he thinks his life was not safe while these men lived. ordered that the letter be placed on file.

A letter was received from Simon Heber desiring unlimited leave of absence. granted, agreeably to the rules of Committee

A Communication was received from Mr D J Thomas Jr in which he states that there is a report that about 10 days since Mr. John J McKaraher, a member of the Committee of Vigilance had been murdered at Contra Costa, and requests to know what action the Committee will take on the subject. It was ordered that the communication be placed on file.

MISCELLANEOUS PAPERS

[The draft of the by laws is among the miscellaneous papers. Each article is annotated "Adopted," "Not adopted," "Amended" etc. It is prefaced by the following:]

To the Executive Committee of the Committee of Vigilance

Your Committee, to whom was assigned the duty of framing Bye Laws for the regulation of your body report the following which they respectfully submit

[Signed] S Payran Chn
" G. W. Ryckman
" Geo R Ward

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[4] Listed first in the draft of the minutes, but crossed out. The names copied in the book of minutes are anotated "elected."

[Letter from J. H. Jones]

Stockton Sept 24th

To The Vigilence Committee of San Francisco

Gentlemen permit me to tender you my thanks for your untiring efforts in the capture and just execution of the three fellows Stewart Whiteker & [. . .] as no doubt it was the only cause of saving my life, for no one knows when the knife of the midnight Robber and assassin may be plunged in him in the dark. any assistance I can be to your Honorable body Command me and I am ever ready to obey. I am always ready to assist Justice, that she may not be cheated of her rights. I have this day assertaind that those three culprits on their examinations before you acknowledge they had all sworn to assassinate me for my killing of one of their comrads Jack Smith. Gentlemen receive my regards and well wishes for your continuance and presperity

Yours respectfully
[Signed] J. H. Jones

[Annotated:] "Recd & placed on file"

[Addressed:]

To The Vigilence Committee
San Francisco
Deliver early

[Report of the Death of J. J. McKaraker]

To the Executive Committee

Gentlemen, About 10 days ago a report was current that one of our members (John J M^c Karaker) had been murdered at Contra Costa. On the 21st several of our members Captain Clark Maj Graham Ben Reynolds & one or two others crossed the Bay to ascertain the facts of the case. Two or three returned this morning & the others will return on Tuesday. The information obtained is very meagre but all appear to be satisfied that M^c K had been murdered and his body disposed of in some manner to conceal it. M^c K was traced to a Spanish drinking house & no clue whatever could be obtained of his having left there—he had about $150 on his person at the time of his disappearance[5]—

The above facts are given that the Committee may consider whether they will take any and if any what action on the subject

San Francisco Sep 27, 1851

[Signed] Daniel J. Thomas Jr

[Annotated:] placed on file

[*Report*]

To the Executive Committee of the Committee of Vigilance

Your Committee on removal &c respectfully report, that in consequence of the handsome presentation of Candlebra made by our friend Mr Cobb, we found that we had more fixtures for light than was necessary and therefore called on Mess Gavitt & Co from whom we had purchased two sets of Candlebra and politely requested that they would take back one set, which request they acceded to, and one set was returned, and the sum of Eighteen dollars (price to be paid) deducted from the bill

[Signed] S Payran

[Annotated:] Accepted vote of thanks to Mr Cobb

[*Report*]

To the Executive Committee Of the Committee of Vigilance

Gent Herewith we beg to tender you a detailed a/c of the goods and prices at which sold—by Mess Cobb & Co belonging to this Committee.

And herewith also you have a receipt of the Treasurer for net proceeds, two hundred & forty seven 63/100 dolls. And further that Mess Blackburn & Thompson have paid over to the Treasurer the nett proceeds of sale of lumber.

And beg to be discharged—

[Signed] Stephen Payran
Chairn

[Annotated:] Capt Gorham, absent.

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[5] The editor can find no confirmation of this report.

[September 27, 1851]

[*Letter from Simon Haber*]

To the Ex commtt. of the com. of Vigilance

The undersigned begs for a unlimited leave of absence, as Business calls him to Panama on the 1 of October.

With great respect

[Signed] Simon Haber
292

Sept 24th, 1851

[Annotated:] "granted agreeable" to the rules

[Addressed:]

Executive commt of com. of Vigilance

Report of Collector

A. J. Cornell in acct with the Committee of Vigilance

	Dr.	
To Dues Collected	205	
" Subscriptions Cash and bills	1049	$1254"
	Cr.	
By E Delesserts Recpts	205"	
" " " "	1000	
" Receipted bills	49	$1254"

E E Sanfrancisco Sept 27th 1851.

A. J. Cornell Collector

[Annotated:] "refered to finance Com"

WEDNESDAY, SEPTEMBER 30, 1851

MINUTES

Minutes of Special Meeting of Executive Committee
Sept 30. 1851

Mr. Stephen Payran in the Chair.

Thirteen members present.

[At a Special Meeting of a Quoram of said Executive held at 12 OClock M. of this day, present, The President, Secretary and the following Members,

Stephen Payran Pres't
H M Naglee
Selim E Woodworth
F A Woodworth
George R Ward
R M Jessup
T J L Smiley
G W Ryckman
J W Cartwright
James M. Swift
F Vassault
W H White
Isaac Bluxome Jr
Secretary.

Mr Selim E Woodworth in the Chair[1]—]

A letter was read from Col Geo W White desiring unlimited leave of absence, as he was about leaving the State. Request was granted, and a letter of thanks was given him for past services.

A communication was received from Mr G W Ryckman stating, that there was now in this City a Mexican who had committed seven murders, one of which was committed last week, and that he was about to leave the City, and desired that he be arrested. It was decided by the Committee that they had no power to make an arrest, and after some argument Mr Rikeman withdrew the motion.

On motion of Mr S Payran

Resolved That a meeting of the general [committee] be called for to-morrow evening Oct 1, at 8 o'clock. passed

On motion adjourned

[Signed] Isaac Bluxome Jr Secretary

MISCELLANEOUS PAPERS

[*Letter from G. W. White*]

San Francisco, Sept 29th 1851

To the Officers & Members of the Executive Committee of Vigilance

Gentlemen. As I feel it imperatively my duty to repair to the Atlantic Side as soon as possible, and as I have made my arrangements to leave by the Steamer *New Orleans* on Wednesday evening, I would respectfully ask from you an unlimited leave of absence.

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[1] The paragraphs in brackets are from a draft of the minutes.

In parting with you, gentlemen, allow me to assure you that my warmest sympathies and kindest wishes are with you; and that I shall ever remember the kindly relations which have existed between us since I had the honor of becoming associated with you.

Wishing you all success in your laudable exertions to *do good*, all I will add is—*Be Just and Fear Not.*

Ever your friend
Geo. W. White.

WEDNESDAY, OCTOBER 1, 1851

MINUTES

Minutes of Executive Committee San Francisco
Oct 1. 1851

Mr Selim E Woodworth in the Chair.[1]

Mr S Payran read two communications, one dated Sept 30. and one dated Oct 1. from Mr E G Austin in which he declined going on with the suit of Metcalf vs Argenti Atkinson & Als without sufficient remuneration.

On moition of Cap't Hutton.

The Communications were refered to a special committee whose duty it should be to obtain council for Mr Atkinson provided, the charge was not over five hundred dollars, and it is ordered that the Committee shall report at a Special Meeting to be called through the press for to-morrow evening. Committee are F Woodworth, J W Cartwright & J F Hutton

On motion

Resolved That a special meeting be called for to-morrow evening at 8 o'clock through the public press.[2]

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[1] The draft of the minutes reads: "Mr. Payran in the chair. Mr. Selim Woodworth was called to the chair."

[2] The papers of October 1 published the following:
"Notice. The members of the Committee of Vigilance are requested to meet at the store of Messrs. Middleton & Smiley, corner of Sacramento

[October 1, 1851]

On motion

Resolved That the President of this Committee write to the President of the Santa Clara Committee informing him of the change of venue in the suit against Mess Argenti, Atkinson & Als, desiring him to render what assistance he can in order to gain the suit. passed

A Select Committee from General Committee waited upon the Executive Committee and informed them that the meeting below had been called to order and desired to know what reports, or if there were any to be made to the General Committee. The President by order of Ex. Committee informed the special Committee that they would report in 10 minutes

On motion of T J L Smiley:

Resolved That the Executive Committee recommend to the general committee, That they give the Ex Committee power to make arrests.[3]

On motion adjourned

[Signed] Isaac Bluxome Jr
Secretary

MISCELLANEOUS PAPERS

[*Resolution*]

On motion of Mr F. A Woodworth

Resolved That the Executive Committee have power to arrest criminals and hand them over to the authorities, with discretion to detain any such prisoners as may be charged with

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and Sansome streets, This Evening, at 8 o'clock. Members are requested to be punctual.

By order of Executive Committee.

S. E. Woodworth, Vice President.
I. Bluxome, Jr. Secretary."

On October 2 the following appeared:

"Notice. The Executive Committee of the Committee of Vigilance will meet in their chambers This Evening, at 8 o'clock.

By order of the Committee.

Stephen Payran, President.
I. Bluxome, Jr. Secretary."

[3] The *Alta California*, October 1, reported that "a new case had arisen" in the Vigilance Committee, "and the Executive Committee desire to know how far their delegated powers extended." The undated resolution, offered by F. A. Woodworth, and amended by Gerry of the General Committee, appears to refer to the action taken at this time.

the crime of incendiarism, and refer their cases to the action of the General Committee.—

[Annotated:] Amended by Dr Geary Or any other heinous crime

Adopted

[*Resolution*[4]]

WHEREAS an article has appeared in the *Evening Picayune* of this day stating that "the Vigilance Committee had ceased active operation & in consequence of the general condemnation of the Commercial papers in the Atlantic States," therefore

Resolved, that the Committee cause to be published in the various papers of this city, that they hold themselves ready for action, should the Community be again situated as at the time of the organization of said Committee & that no comments of any newspaper can drive them from a conscientious discharge of their duty to their families & fellow Citizens

Presented by N^{o} 18 [C. R. Bond]

[Annotated:] Adopted

[*Letter from E. G. Austin Metcalf vs. Argenti*]

San Francisco Sept 30th 1851

Stephen Payran Esq

Ch^{m} of the Executive Committee of the Vigilance Committee

Sir. By the decision of the Justices of the Superior Court of this City, the venue in the case of Peter Metcalf v^{s} Felix Argenti & F A Atkinson has been changed to the County of Santa Clara, the trial will probably take place at San José in the course of the ensuing month.[5]

It is proper for me to say to the Com' of Vigilance through you that this order of the Court will entail heavy expenses on the Defendants in procuring the attendance of such of their witnesses as are willing to appear in person at the trial, or in taking the depositions of those who cannot attend, or in taking certified copies of the testimony given at the former trial. No witness residing in this County can be compelled to attend at San José.

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[4] This resolution appeared in the San Francisco papers, October 2 to 5. It was subscribed: "By order of the general Committee. San Francisco, October 1, 1851. S. Payran, President of Ex. Committee. Isaac Bluxome, Jr. Secretary."

[5] The case was tried before the District Court of Santa Clara County, December 2 to 5, with a verdict of $201 and costs, for the plaintiff. *S. F. Herald*, December 8.

I beg leave also to add, that it will give me pleasure to attend this case to its close, and to render all possible aid to relieve the Defendants from the burthen sought to be emposed on them, but as under the present state of the case, I shall be required to leave all other business for an indefinite length of time I cannot in justice to myself further prosecute the defence without funds for necessary expenses, and a certain and adequate remuneration for my own services.

With great respect I remain
Yr Obt Sv
[Signed] E G Austin

THURSDAY, OCTOBER 2, 1851

MINUTES

Minutes of Executive Committee Oct. 2ᵈ 1851

Mr L Maynard in the chair

On motion of Selim E Woodworth:

Resolved That in the matter of Counsel in the case Atkinson, that the whole subject be refered to special committee with power to act. carried.

Cap't Hutton withdrew from special committee on lawyers for Mr Atkinson, and Capt H M Naglee was appointed to fill the vacency

On motion of S E Woodworth Esq

Mr. F Argenti was added to committee for the purpose of selecting counsel for Mr. Atkinson.

The Finance Committee made the following report.

The Committee of Finance of the Committee of Vigilance have great pleasure in herewith handing a report of the Treasurer which includes the payment (with a few exceptions) of all the claims upon the Committee of Vigilence up to the adjournment on the 16th of September last, which report shows a balance on hand in favor of the Committee of $\$236.\frac{20}{100}$ A few claims remain unsettled and will be handed over to the Finance Committee appointed under the Bye Laws adopted on the 30th ultm° for farther information. All of which is most respectfully submitted.

signed George R Ward
L Maynard
E Delessert, Treasurer.

Report accepted, and placed on file

The Committee to whom was refered the subject of selecting counsel to defend Mr F A Atkinson in the case of Metcalf vs Argenti Atkinson & Als beg leave to make the following report.

That your Committee called upon Col Weller and stated to know upon what terms he could be employed to defend the suit until its termination, he stated that he would with pleasure undertake the suit and inasmuch that proceedings in the case might occupy much of his time and require his absence from this City for an indefinate time he would charge Eight hundred dollars and present three hundred dollars as a contribution to the funds of the Vigilance Committee.

Your Committee did not close with Col Weller but prefered to submit this matter to your hands. All of which is respectfully submitted.

signed J F Hutton
Chairman

San Francisco Oct. 2. 1851

On motion of George R Ward Esq:

Resolved That the Sergeant at Arms receive 150.$ pr month from the 17th of September, for his services. carried

On motion adjourned

[Signed] Isaac Bluxome Jr
Secretary

WEDNESDAY, OCTOBER 8, 1851

MINUTES

Minutes of Executive Committee October 8th 1851

Mr G W Ryckman in the Chair.

A petition was presented by Mr S Payran, from Andrew Goodwin, praying the Committee of Vigilence to send to Marysville and recover her child, kept from her by force by Mr & Mrs Kohle.[1]

On motion of Mr Payran

Resolved That a copy of the petition be sent to the Committee of Vigilance of Marysville—together with a letter from this Committee, requesting them to attend to this case passed

On motion of Mr Selim E Woodworth

Resolved That the discussion now before the Committee, (relating to Counsel for Mr Atkinson) be laid upon the table, and, that the Special Committee appointed to obtain counsel for Mr Atkinson hold their seats until the case is disposed of. passed

On motion of Mr F Argenti

Resolved That the Secretary transmit a copy of the Constitution & Bye laws of the Vigilance Committee to the Committee of Vigilance of San José. passed

On motion of S E Woodworth

Resolved That the Sergeant at Arms be allowed to attend the Suit of Metcalf vs Argenti Atkinson & Als now pending before the Court at San José. passed.

On motion of

Resolved That a standing advertisement be placed in the City papers, stating the time of meeting of the Executive Committee[2]

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[1] Goodwin claimed that his niece, Mary Lye, had been abducted by the Kohles and placed in a house of ill-fame in Marysville. Stephen Payran was immediately sent to that town, and with the assistance of the local Committee of Vigilance he rescued the little girl and restored her to her relatives. *S. F. Herald*, October 17. See also p. 695.

[2] The following notice appeared in the San Francisco papers, October 13 to 15:

"Committee of Vigilance. The Executive Committee will meet in their rooms (Nos. 6 and 7, Middleton & Smiley's Building) at 8 o'clock

On motion

Resolved, That the Secretary send a copy of the Eighth Article of the Bye laws to the absent members of this committee and advise them that unless they shew some cause why their seats should not be declared vacent by Wednesday evening next, they will be so declared vacent—and new members elected to fill the vacency.

On motion of Mr. G M Garwood

It was resolved that the Secretary receive 100$ pr month for his services passed

On motion adjourned

[Signed] Isaac Bluxome Jr
Secretary

MISCELLANEOUS PAPERS

[*Case of Mary Lye*]

I have enquired into the character of the petitioner, Andrew Goodwin from his neighbors, who all give him a good character for sobriety and honesty— And I believe the Statement as set forth in his petition are true

[Signed] George M Garwood

San Francisco Oct 8th 1831

[Annotated:] A copy of petition to be sent

[*Report on Absent Members*]

By request of the President of this Committee I make the following report—

That Capt W D M Howard & Mr L D Kinnay have never been present at the meetings of this body, and that Messrs Saml Brannan, W T Coleman, F Vassault, J S Parrott, Jas Post, W^m W Thompson have been present at the first meeting only

[Signed] I Bluxome Jr
Secretary

[Annotated:] Will be despatched between this and Monday morning— [Signed] D. L Oakley
Sergeant at Arms

P. M. on Wednesday, the 15th inst. and at the same hour every Wednesday until further notice.

By order Isaac Bluxome, Jr., Sec'y Executive Committee."

[*Resignation of Isaac Bluxome, Jr.*]

San Francisco Oct 8, 1851

To the Executive Committee of Committee of Vigilance

Gent I beg leave to resign my seat as Secretary of your body as I cannot afford to spend so much of my time as I am compelled to as secretary.

Respectfully, your Obt. Servt

[Signed] I Bluxome Jr

[Annotated:] Accepted

On motion of M^{r} Garwood

Resolved—That the secy receive 100$ pr month for his services

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WEDNESDAY, OCTOBER 15, 1851

MINUTES

Minutes of Executive Committee October 15. 1851

Mr Selim E Woodworth in the Chair

Minutes of former meeting read and approved

A report was received from Mr S Payran (committee of one) sent to Marysville by this Committee to recover the child of one Andrew Goodwin held from him by force by Mr & Mrs Kohle setting forthe the trouble attending and the final delivery of the child to its guardians.

A Communication was received from Mr John Parrott stating that it is impossible for him to attend the meetings of the Executive Committee and desiring that his name shall be stricken from the roll. Accepted.

A Communication was received from Mr W D M Howard desiring that his name be stricken from the roll of the Executive Committee as it is impossible for him to attend its meetings.

The Treasurer reports that he has on hand belonging to this [Committee] the sum of 217.$\frac{33}{100}$\$.

The following addition to the bye laws was proposed by Mr Charles L Case.

According to provision of Section 12th of Bye laws of Executive Committee, I propose a new section to be as follows. That a fine of two dollars be imposed on absentees from all regular meetings sickness and absence from town being the only excuses

[Annotated on margin:] Lost Oct 22d

Mess N Miller & Jas F Curtis were proposed as members of the Executive Committee by Col Jas B Huie. J C L Wardsworth was proposed by G W Ryckman. Jas Murray was proposed by Jas De Long.

On motion of G W Ryckman.

The subject relating to the filling of vacencies by election be refered to the next regular meeting.

On motion of Mr Jas B Huie

Resolved That this Committee take immediate steps to ascertain the whereabouts of Briggs & Osman and when found to arrest them. carried.[1]

On motion of Mr Payran

Resolved That a Committee of three be appointed to waite upon Mr King the Collector of the port and get the necessary papers to search the vessels, the Bark *Francis* & Brig *Genl Cobb.*

On motion The Committee adjourned

[Signed] Isaac Bluxome Jr
Secretary

MISCELLANEOUS PAPERS

[*Complaints of Robberies*]

October 10. 1851

W H Stevens. On the night of the eighth of Oct my store was entered from the rear door and my desk robbed of 1370.$ mostly in Moffats 50$ pieces—an attempt was made to cut the lock out of the desk in which the money was placed. Afterward the[thief] searched one of the mens pockets and found the key to the lock & opened the desk and took the money.

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[1] It was reported in the *Herald* and the *Alta* of October 17, that a number of Sydney people, including Briggs and Osman, with valuable plunder, were supposed to have left San Francisco a few nights earlier, on a vessel bound for Australia, and that the Committee hired a tug and vainly attempted to overhaul them. See vote on the bill for coal for steam tug *Firefly*, p. 720.

Burlin Brown. On Friday night last at about ¼ past 3 in the morning my wife and self awoke by two men or more in conversation—foreigners by their tongue, how long they had been there we could not tell, one was damning the other, for not trying the back door and asked him—damn you have you forgotton how to rob? before he answered he told him not to speak so loud, and answered that he would try it again and with that he moved off in the rear of my house where foreigners lived, as they moved off my dog commenced barking and they said no more

WEDNESDAY, OCTOBER 22, 1851

MINUTES

Minutes of Executive Committee Oct 22. 1851

Mr Stephen Payran in the Chair.

Minutes of former meeting read and approved

On motion of Selim E Woodworth

Resolved That the letter now in possession of this Committee from Thos Keys alias T Belcher Kay directed to Stephen Whipple, be refered to a Committee of three, for further examination, and that said Committee dispose of it as they think best.[1] The Committee are F Argenti, S E Woodworth & S Payran

The Committee granted leave of Absence to Samuel Brannan & W C Annan.

On motion of F Argenti

Resolved That a Committee of five be appointed from this body, by the Chairman, to act as a Judiciary Committee, whose duty it shall be to inquire into the acts of the various Judges on our benches. The Committee appointed are F Argenti, J F Hutton, S E Woodworth, E Delasert, & H A Cobb.

On motion of F Woodworth

Resolved That the Finance Committee be authorized to purchase a safe for the use of this Committee and that the Secretary shall keep the books and papers in it, and that the Secretary and Treasurer shall each have a Key.[2]

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[1] The *S. F. Herald*, October 6, stated that Kay had been seen in Honolulu early in September, en route for Tahiti. The letter mentioned is missing.

Mr J C L Wardsworth was elected a member of this Committee in the place of Capt W D M Howard to serve for a period of 12 months from the 17th of September last.

Mr. Geo H Howard was elected a member of this Committee in the place of Mr J S Parrott, resigned, to serve for 12 months from the 17th of Sept.

A Communication was received, dated at Mokalumne Hill and signed by N B setting forth that there is one James Watkins now at work at that place, of bad character and states that he gives this information merely on account of his rascally treatment of his wife. The Communication was laid upon the table.

On motion adjourned

[Signed] Isaac Bluxome Jr
Secretary

MONDAY, OCTOBER 27, 1851

MINUTES

Minutes of Special Meeting of Executive Committee Oct 27

Mr G W Ryckman in the Chair.

The Chairman stated that the meeting was called in consequence of the Death of Mr George J Oakes a member of this Committee; and the object of the meeting to call the members of the General Committee out on the day of his funeral.

On motion of Mr Woodworth

Resolved That a call be made through the public press for the members of the General Committee to assemble at the chambers of the Executive Committee on Wednesday morning the 29 inst to attend the funeral of Mr Geo J Oakes.[1]

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[2] See entry No. 93, p. 759.

[1] The following notice appeared in the San Francisco papers, October 28 and 29.

"Committee of Vigilance.—At a meeting of the Executive Committee

On motion of Mr Woodworth

Resolved That should there be one hundred members present at the Committee rooms, the banner of the committee shall be carried in the procession.

On motion of Mr De Lassert

Resolved That the Sergeant at Arms be directed to procure crape for the use of the members on the 29th inst.

On motion of Capt J F Hutton

Resolved That the members of Committee of Vigilance wear the usual badge of mourning for 30 days

On motion of Mr DeLassert

Resolved That a Committee of conference be appointed to confer with the various committees of which Mr Oakes was a member, and to make the necessary arrangements for the procession. The committee appointed are J W Cartwright, F C Ewer Saml Taylor, D J Thomas Jr

On motion adjourned Chas Griswold
Secretary pro tem

TUESDAY, OCTOBER 28, 1851

MINUTES

October 28. 1851

There was no meeting this day, as there was not a quorum present. [Signed] Isaac Bluxome Jr
Secretary

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of the Committee of Vigilance, held in their rooms on the evening of Monday, 27th Oct. inst., it was on motion unanimously

Resolved, That this Committee has learned with deep and sincere regret of the sudden demise of their much esteemed fellow member George J. Oakes.

Resolved, That the Committee of Vigilance of San Francisco, will attend in a body, the funeral of the deceased, and will wear the usual badge of mourning on the left arm.

Resolved, That the rooms of the Committee be draped in mourning for the period of thirty days, as a mark of respect to the memory of the deceased.

Resolved, That a letter of condolence be addressed to the family of the deceased, together with a copy of these resolutions.

In accordance with the above resolutions, the Committee of Vigilance will assemble at the committee rooms at the tolling of the bell, Wednesday morning, 29th inst. at nine o'clock, for the purpose of participating in the funeral solemnities to be tendered the deceased.

By order of the Executive Committee."

[October 28, 1851]

[*Plan of Reorganization*[1]]

Resolved, That hereafter the General Committee shall meet on the 1st Mondays of March & September in each year, and also whenever they shall be called together by two taps of the bell or by a published notice by the President and Secretary of the Executive Committee

Resolved, That no person shall be admitted to the roms or meetings of the Committee if he is 20 days in arrears for dues

Resolved, That at each stated meeting of the Gen. Com. twenty two members shall be elected for the Executive Committee who shall hold office for one year. All elections shall be by ballot, and the Exec. Com shall appoint 3 tellers to conduct the election. The polls shall be open two hours.

The present Ex. Com. shall hold their seats for the respective times for which they have been elected.

Resolved, That the Ex. Com shall fill all vacancies occurring in its body and shall appoint its own officers, none of whom except the Secretary & Sergeant at Arms, shall receive any compensation. The Secretary shall not receive more than $100 nor the Sergeant at Arms more than $150 per month

Resolved, That the Exec. Com. shall have power

1st To inquire into, and take evidence regarding, all kinds of crime & all malfeasance in office

2nd To order & make arrests

3rd To make assessments

4th To make all bye-laws and orders necessary or proper to carry out the provisions of this act.

5th To appoint a Sergeant at Arms, Chief of Police and Marshall if they see proper so to do, also to define duties of their respective stations.

Resolved, That the Exe. Com shall take all testimony in writing, & read a synopsis thereof at the first meeting of the General Com; they shall not destroy mutilate, or in any manner make way with any of the Books, Papers, or Archives of the

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[1] These resolutions are in the handwriting of D. J. Thomas, Jr. and although they bear no endorsement to show that they were submitted to the Committee, they give interesting hints of the problems of the period. The concluding resolution shows that it was presented in October.

General Com, or of their own body, but shall place the same in charge of their Secretary to be by him safely & securely kept; they shall not expend for all purposes exceeding $500 per month; they shall not have power to close the rooms of the Committee against any person entitled to admission to the meetings of the Gen. Com., except during the time the Ex. Com is in actual session for business

Resolved, That at each stated meeting of the General Com. the Exe. Com. shall cause to be read a detailed statement of the receipts & expenditures of the preceeding 6 months.

Resolved, That so much of the Constitution or report of the Committee of 5 passed on the 17 ult. as is altered or supplied herein be and the same is hereby repealed

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WEDNESDAY, NOVEMBER 5, 1851

MINUTES

Minutes of Executive Committee November 5. 1851

Mr G W Ryckman in the chair

Minutes of former meeting read and approved

Mr Argenti as chairman of Judiciary committee reported that his committee were watching the course of the Judges but as yet have no report to make.

The Committee appointed to write a letter of condolence to the Mother of Mr Geo J Oakes report that they have sent a copy of the following, by the last Steamer.

San Francisco Oct 29. 1851

To Mrs Oakes
Boston

Dear Madam In accordance with the tenor of the accompanying. Resolutions passed at a special meeting of the Executive Committee of the Committee of Vigilance, and in behalf of the Gentlemen composing that committee it becomes our melancholy duty to address you on a subject of deep and painful interist. We would extend to you as the afflicted parent of our deceased brother, *George J* Oakes, the kindest sympathies of our hearts, under this mournful dispensation, and express the feelings of unmitigated sorrow and regret experienced by every member of our association, for the loss of one whose many virtues had so entwined him in our affections. We can keenly appreciate the anguish of a Mothers heart under circumstances so peculiarly painful as the present, for most of us are still blest with the holy influence of a Mothers love, though far removed from the homes of our Childhood, and we feel it will be a source of consolation to you in your season of grief and sorrow to learn that the dying hours of your departed son were soothed by the kind attentions of warm and devoted friends, and that the last tribute of respect was paid to his remains by a long train of mourners, comprising nearly the whole business population of San Francisco. Our connection with your son as fellow members of the Committee of Vigilance has been one of peculiar interest. At a time when anarchy reigned in our community, and there was no protection for the lives or property of our citizens from the torch of the incendiary, our lamented friend was among the first to come forward and join with his fellow citizens in the cause of mutual safety, and though none regretted, more sincerely than he did himself, the unfortunate necessity which compelled us to act, none were more vigilant or untiring in the performance of the duties which devolved upon us. Regretting his loss, as we all sincerely do, the pleasing duty remains to us of awarding to his memory the true meed of praise which so justly belongs to it.

As a Merchant, he was respected for his honesty, upwrightness and strict integrity. As a friend, he was beloved for his sincerity, generosity and unwavering fidelity, and as a citizen of San Francisco he was universally esteemed by all who knew him

"Green be the turf above him,
Friend of our better days:
None knew him but to love him
None named him but to praise."

In conclusion Dear Madam, allow us to express to you the assurances of our individual regard and esteem, and that the Great ruler of the Universe may ever watch over protect, and comfort you, in this and all other trials and tribulations is the fervent prayer of

Your very Obs Servants
Fredk A Woodworth
S E Woodworth
J F Hutton
In behalf of the Committee of Vigilance of San Francisco

On motion of F A Woodworth

Resolved That a Committee of two be appointed to waite upon the various Fire Companies and ascertain whether the Committee of Vigilance can have the use of their bells, to call the Committee together. Committee J C L Wardsworth, G M Garwood

On motion of Cap't Garwood

Resolved That Counsel be employed by this committee to defend the members of this committee in the suit of Metcalf vs George Mellus, F A Woodworth, Thomas M^{c}Cahill, Daniel Oakley, Charles Brinley & George E Schenck.

On motion of I Buxome Jr

Resolved That Mr Elisha Cook be employed by this Committee to defend the members of the Committee and that he receive $500. dollars for the defence, at the termination of the suit.

On motion of Mr I Bluxome Jr

Resolved That a Committee of three be appointed by the Chairman to waite upon Mr Cook informing him of his appointment as counsel to defend the six members now being sued by Metcalf and that he is to receive 500 dollars for the same at the termination of the suite. The Committee are Jas De Long. F A Woodworth and Isaac Bluxome Jr

Mr Geo R Ward desired to have the permission of this committee to state to Mr Burritt, that this committee were informed by Mr Sam^l Brannan that he, Judge Burritt voluntarily tendered his services to this Committee to defend Mr Atkinson in the suit of Metcalf vs. Argenti, Atkinson & Als gratuitously, permission granted.

Dr A B Stout requested permission of this Committee to refer to the books & papers now on file. granted.

On motion of Col Huie

Resolved That all vacencies in the Executive Committee be filled at its next regular meeting. carried

On motion of Dr A B Stout

Resolved That the bill of Mr A J Ellis against this committee for travelling expenses to Marysville[. . .][1]

On motion of Mr I Bluxome Jr

Resolved That the Secretary be authorised to collect the dues for November. carried

A letter was received from Mr Stephen Payran desiring to resign his seat in the Executive Committee and requests leave of absence from General Committee for six months with remittance of dues & fines. The communication was referred to a committee of two who should waite upon Mr Payran and ascertain the cause of his resignation Committee are Mr F Woodworth, & Jas B Huie

The resignation of Mr George H Howard was received and accepted.

D J Thomas Jr. chairman of committee appointed to confer with corresponding committees of which Mr Oaks was a member to make the necessary arrangements for funeral procession.

Report that they met the other committees & in connection with them appointed S E Woodworth Chief Marshall of Com of Vigilance with F C Ewer & Sam^{l} Taylor Esqrs as aids and that they provided three horses & three scarfs for the Marshall & Aids

On motion adjourned

[Signed] Isaac Bluxome Jr
Secretary

MISCELLANEOUS PAPERS

[*Resignation of Stephen Payran*]

San Francisco Oct 27th 1851

To the Executive Committee of the Committee of Vigilance of
San Francisco

Gentlemen – Owing to the cares incident to my business, and the longer active service of our Committee, being at an end combined with other causes, induces me to respectfully ask of your body to accept my resignation as President of your board, and member of the Executive Committee, I also pray you to grant me leave of absence as Member of the General Committee for six months, with remittance of Dues and fines—

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[1] The following unreceipted bill is found among the papers of the treasurer:

Permit me to say that I look back with pleasure on the good that you have effected, and earnestly hope that the present peace safety and happiness of our Community may long continue

With sentiments of high Esteem
believe me Truly Your Obdt Servt
[Signed] Stephen Payran

[Annotated:] Refer'd to Com of two Mr F Woodworth Col Jas B Huie

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[*Resignation of G. H. Howard*]

San Francisco October 29th 1851

Stephen Paran Esqre Prest of the Executive of the Vigilance Committee

Sir I received through the Secty of your Honorable body, notice of my election, at your last meeting, as one of your members—

Although highly appreciating the honor you have done me, I find it will be impossible for me to serve, one of my partners being about to absent himself from the city, and the other—connected with the Executive—

San Francisco, July 31st, 1851

Vigilance Committee to A. J. Ellis, Turner & Maloney		
Cr. To Travelling Expenses to & from Marysville by order of the Executive Committee		$150.00
Dr. By Turner, July & Aug dues	$10	
‘‘ Maloney ‘‘ ‘‘	5	
‘‘ Ellis ‘‘ ‘‘	5	
		20.00
		$130.00
for Jail funds		30.00
		$100.00
Reduced, as per consent, to		$75.00

Should any occasion call us again into active service I trust always to be found at my post—

With great respect I remain

Yr Obt St

[Signed] Geo H Howard

[Annotated:] resignation

TUESDAY, NOVEMBER 11, 1851

MINUTES

Special Meeting of Executive Committee Nov 11. 1851

Mr G W Ryckman in the chair

[James Dows—corner of Commercial & Montgomery sts.

Dr. A. B. Stout
G. M. Garwood
T. J. L. Smiley
J. W. Cartwright
James M. Swift
I Bluxome Jr
R M Jessup
G W Ryckman [1]]

This meeting was called together in consequence of a man by the name M^{c}Lean being stabbed by one Antonio Gonzales in the Mississippi House on Long wharf. After a patient investigation of the case it was

[On motion of Capt Garwood[1]]

Resolved That Gonzales should be handed over to the City Marshall as it appeared that it was a case of a quarrel with the name of the witnesses &c

On motion of Mr Argenti

Resolved That a receipt be taken for the prisoner from the Capt of Police carried

On motion adjourned

[Signed] I Bluxome Jr
Secretary

MISCELLANEOUS PAPERS

Case of Antonio Gonzales

James Murray,[2] being duly sworn says— I was coming down Long Wharf this evening about ½ past 5 to 6 O'clock &

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[1] The portion enclosed in brackets is from a draft of the minutes.

[2] V. C. No. 345.

when passing the Mission House, I saw a large mob of people opposite the house.— The knife I took from the Bar Keeper is the knife now before me— I placed this identical knife in the possession of the Vigilance Committee— I know no further facts of my own knowledge, other than seeing the man that was robbed and the wounds. I arrested Antonio at the request of a great number of persons.—There was no Police Officer in that vicinity that I know of or heard of.— The prisoners told me had stabbed a man for calling him "a son of a b—h"

Pablo de la Maza, being duly sworn says I was born in Spain, at San Ander I was born in 1826, have been in New Orleans 14 years, have ben here one year last September, I keep the Mississippi house on Long Wharf, Antonio Gonzales is head Cook in my house, I was at a table at the time Antonio stabbed Mac I saw Mac go over the table, I heard Chase & Mac call Antonio a son of a b—h, Antonio said dont call me a son of a b—h, Antonio then took a piece of wood, I told Antonio to throw down the wood, that the men were drunk and did not know what they said, they then kept quiet about 2 seconds, they had had their supper and most all of the men had left the table, Chase then called Antonio a son of a b—h again, and threw a knife at Antonio, Antonio then took a piece of wood again, Mac then went round the table towards Antonio— When Antonio saw Mac & Chase get up from the table he took his knife, they came together and Mac took hold of Antonio, and Antonio stabbed him, Mac has one wound in the right breast, and a cut on one of his hands MacClean was drunk, at the time.

Antonio has been in my employment about 3 months, he is not liked in the house. Last Sunday Chase said to me I am going to loose the dog in the yard. My boarders have been complaining for the last 10 days about this man Antonio I have known McLean about since last June, I have never known McLean to have been drunk but twice, he has a good temper About 8 days since Mac Lean & Antonio had some words together

[Signed] Pablo de la Maza

San Francisco Nov 11 1851

Josepeph Madill, *sworn* says, I was born in Troy state of New York. Age 25 years next July. am a bar keeper in the Mississippi house on Long Wharf. The man Antonio is head cook, is a Portugese by birth as I believe. About half past 6 o'clock or thereabout this evening there were two men one commonly called Mac, the other Chase The first thing I saw was a man jump over the table it was Mac, the man who was stabbed I saw Antonio stab Mac and he had the knife raised to stab him, a second time when I rushed in and took the knife from him This is the knife now before me. Last sunday the man named Chase went into the back yard and Chase was in the act of letting a dog loose, he, Antonio attempted to stab Chase for letting the dog loose. Antonio speaks little or no English, I saw him stab Mac once, he may have stabbed him more than once, I called upon a Police Officer after the stabbing and requested him to take charge of Antonio he had a star on his breast. The Police Officer said "yes"—"I will be there in a moment" he went up the wharf and I did not see him again. Mac jumped over the table towards Antonio, Mac and Antonio have not been on friendly terms for some time.

[Signed] Joseph Madill

Alexander Campbell—*Sworn*—Was born in Scotland am aged 32 about. Have been in California about 2½ years Have been employed on Pacific Mail Steamers off & on for over two years I saw a man called Antonio stab a man named M^{c}Lane with a large knife. After he stabbed him he stood a few minutes when the crowd rushed in. It was in the Missippi House on Long Wharf. When the crowd came in Antonio walked into the Kitchen. I was in the bar-room. I heard the exclamation of you son of a b—h made by the man called M^{c}Lane the one that was stabbed. This exclamation was made previous to his being stabbed. I think I could identify the man who stabbed him. It was about dark. The stab was in the right breast. I saw the wound. Did not know either of the parties until this evening. When M^{c}Lane was stabbed he exclaimed My God I am stabbed.

[Signed] Alex^{r}Campbell

San Francisco November 11th 1851

Have been in the United States over 17years—Am a citizen of the U. S.

I have visited the wounded man. He had received a stab in the lower edge of the great pectoral muscle of the right side of the chest, which has not penetrated into the lungs. It is about half an inch in length, and is not dangerous to life.

[Signed] A. B. Stout M. D.

San Francisco Nov 11, 1851

WEDNESDAY, NOVEMBER 12, 1851

MINUTES

Minutes of Executive Committee November 12 1851.

Mr G W Ryckman in the chair.

Minutes of former meeting read and approved.

The Committee appointed for the purpose of procuring and engaging Counsel to defend a suit brought by one Peter Metcalf against certain members of the Committee of Vigilance,

Report, That they waited upon Mr Elisha Cook and stated the willingness of the Committee to employ him to defend the members being sued. Mr Cook undertakes to defend these suits on the terms proposed by your committee. Report accepted & placed on file.

The Committee appointed to waite upon the Foremen of the Engines Companies, California & Monumental,

Report that they wille willingly give theier bell to the use of the Committee for calling the members together, but desire that an order be given in writing. Report accepted & placed on file

The resignation of Mr W^{m} Burling was received and accepted.

A letter was received from Mr S Payran inclosing a letter from Ernest Kohle of Marysville who request that the Child taken from his house be returned or $200. for the board of it. Communication laid upon the table

A letter was received from Mr J B Manny dated in San

Francisco, setting forth that he has been robbed by one Joseph Tufts and others Communication laid on the table.

On motion F Woodworth

Resolved, that the thanks of this Committee be tendered to our late Chairman Stephen Payran Esq for his unremitting attention and untiring vigilance during the whole period of his connection with this committee and for the gentlemanly and impartial manner in which he has at all times presided over the deliberations of this body, and that a copy of the same be furnished him. carried.

On motion of Col Huie

Resolved, that no original papers shall go out of this Committee room. carried.

On motion of Mr Argenti

Resolved that the four members being sued be empowered to authorise Mr E Cook to appear for the two absent members now being sued by Metcalf and that this Committee be responsible for the acts of the special committee. carried.

On motion Col Huie

Resolved That the resignation of Mr S Payran as a member of the Executive Committee be accepted. carried

The following Gentlemen were elected members of the Executive Committee

Mr A J Almy in place of Joseph Post	12 months	
" Frank Panton in place of L D Kinney	12 months	
" W L Bromley " " " Geo H Howard	12	"
" Jas F Curtis " " " Geo J Oakes	6	"

On motion adjourned

[Signed] Isaac Bluxome Jr
Secretary

[On motion of Mr Huie[1]

That the Sergt at arms be sent for and inquiry be made from him how the communication from Mr Manny concerning Mr Tufts came into this room

On motion of Mr Wardsworth

That at the next regular meeting of this Com. . . .]

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[1] The motions enclosed in brackets are from a draft of the minutes.

MISCELLANEOUS PAPERS

[*Report on the Case of Metcalf vs. Argenti*]

The Committee appointed for the purpose of procuring and engaging Counsel to defend a suit brought by one Peter Metcalfe, against certain members of the "Committee of Vigilance" beg leave respectfully to *Report:*—

That agreeable to your instructions they waited upon Elisha Cook Esq and advised him of the willingness of your body to place the matter in question entirely in his hands on the terms by him proposed. That gentleman renewed his proposition and your committee made a final arrangement with him to defend the cause to its termination, agreeing to pay him for his services therein the sum of Five Hundred Dollars at the final settlement of the suit and to re-imburse him for any contingent outlay in cash, as such expenses may accrue.— Your Committee have been advised by the counsel so engaged that it is the intention of the opposing counsel to delay the issue of the cause by applying for an order to postpone the trial of the same until service can be made upon the absent parties mentioned in the writ, Messrs. Brinley & Schenck.— Your committee feeling it of the utmost importance that the case should come to trial with the least possible delay would therefore recommend that the Counsel engaged by them in your behalf should be authorised to appear and answer for the absent parties above named, and to waive service of process.—

Appended hereto is a receipt for Fifty Dollars which your Committee have paid to Counsel on a/c of disbursements before referred to.[2]—

All of which is respectfully submitted

[Signed] Fredk. A. Woodworth }
" James De Long } Committee
" Isaac Bluxome Jr }

San Francisco 12th Nov. 1851

[*Report of Committee Relating to the Use of the Engine House Bells*]

The Committee appointed by the President of the executive committee, of the Committee of Vigilance, for the purpose of inquireing into the report, that the "California" and "Monumental" Engine Companies of this City, had refused the Committee the use of their bells when desired, Beg leave to report

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[2] See voucher No. 63, p. 787.

Your Committee called on the Foreman of the above mentioned companies, who denied ever having refused the use of their bells to the Committee, and now tendered the use of the same to the Committee of Vigilance, whenever the Committee desired them; but requested the Committee would call on any one of their members previous to their bell being rung, who would give the necessary order—As in one instance the "Monumental" bell had been rung by an *outsider,* without any order from the Committee of Vigilance, or the company— Respectfully submitted—

[Signed] George M Garwood
" Ja^{s} C. L. Wadsworth
Special Committee

San Francisco November 12th 1851
[Annotated:] Accepted Com discharged
[Addressed:]
To The Executive Committee
Special Report of Committee

[Letter from Ernest Kohle, Case of Mary Lye]

San Francisco November 8th 1851

To the Executive Committee of the Committee of Vigilance

Gentlemen: Herewith you have a Communication received from Marysville, which I submit to you for such action as the case may demand.

As a precautionary measure I think it would be well to give notice to M$^{rs.}$ Goodwin the Aunt and Foster Mother of the Child to take care of it—and propose Capt Garwood to give that notice

Very respectfully
Your obdt servt
[Signed] S. Payran

[Addressed:]
To The Executive Committee of the Committee of Vigilance
Present

[November 12, 1851]

Marysville October 30th 1851

Mr Parenz Chief of the Vigilence Committee of San Francisco—

Dr. Sir—

A few days since I returned from Downeville and found that you had been to my house & taken away a child, whose friends and parents placed in my hands about one year ago. Since that time the child has cost me a good deal of money, and I should be compensated for the outlay by any one who took the child from my possession—

I ought to receive at least $200.—

I would prefer to receive back the child as I am going to move onto a Ranch in the Country and she would be much company to us—I cannot come to San Francisco, but wish you to write me concerning this matter— Tell me where the child is & what the prospects are of getting her back or the expense of maintaining her the past year and oblige

yours truly & respectfully

[Signed] Ernest Kohle

[Annotated:] On motion Capt Garwood laid on the table

[Addressed:]

To Mr. Parenz Chief of Vigilance Com.
San Francisco Cal

[*Letter from J. B. Manny*]

San Francisco Novr 1st 1851

To The Vigilance Committee of San Francisco

For the sake of Justice and the good order of society in this Commonwealth I wish to make known to you the facts of a robbery and attempted murder at Carson's Creek Calaveras County on the 18th day of September last.— One of the guilty parties is now in this city and it may be for the good of the community for your respectable body to know his criminal character. His name is Joseph Tufts at present stopping at the Rassetta House.—

My name is J. B. Manny from New York City and I am known to some of your body to be a peaceable citizen. On the 4th of September last I was at Carson's Creek engaged in quartz mining and had a man engaged to work for me at 60$ a month and board whom I had brought from the Valley of San-Jose. His name was William Gamble. This man had worked for me about the half of one month he then with evil design against me went before Joseph Tufts a pretended Justice of the peace and I believe the two together formed a plan to extort swindle and frighten me out of as much money as they possibly could. Gamble made a complaint that I owed him one hundred dollars and Tufts issued a forthwith warrant and attached my property without taking any security from complainant for the attachment which I demanded. This Gamble and Tufts kept watch of me day and night that I might not sell or remove any of my goods. Tufts came frequently in the dead hours of the night before the trial demanding the money or the goods to be given up to him.

On the trial the plaintiff called no testimony but relied upon himself alone to swear the money into his own pocket. I called two witnesses and after plaintiff had sworn I disproved the most of his testimony and swore off his complaint. On his oath he said he did not know how many days he had worked and swore much entirely false and contrary to all reason. He swore that I had agreed to pay him four Dollars pr day even while I was bringing him in my wagon at my own expense from San-Jose. The trial was on Saturday the 13th of September and Tufts was to render judgment at ½ past 8 in the evening, but at that time he was together with about a dozen others engaged in drinking carousing and dancing at his office and I went home and to sleep without hearing what it was. At a quarter past 2 on sunday morning the Constable came to my tent house with a Colts revolver and demanded judgment to the amount of 72 Dollars and 40 Dollars cost. He waked me out of my sleep in the dark night and tried to make me pay the money. I prevailed on him to go away untill morning when he returned served or read some execution or something I know not what for he would give me no copy of it and talked of arresting me for taking my horse away to feed and so on.—

I told him that I would comply with the law in all respects on Monday. I procured a lawyer on Monday who went with me to Tufts and he got him to give his bill of costs. He immediately struck off 16 Dollars which he said he had charged for Gamble (the plaintiffs lawyer). He still charged 10½ Dollars for my two witnesses which I had subpoened and paid for at the time. One of these witnesses afterwards asked him for the money and he refused to pay him. I paid $27^{50}/_{100}$ Dollars costs—gave security for the judgment and appealed the case to the county court. To get the bond signed I deposited the money with Mr E. Gonin a merchant that was satisfactory security.

Tufts was so enraged when I had complied with the law for appealing the case that he struck after me 4 times with a cane and swore he would shoot me. He did not send the papers up to court at all. On tuesday and wednesday nights I saw Gamble and others watching around my house and I went up on the hill and slept at a friends tent or house. On thursday morning the 18th I was preparing to go away from that place when Wm Gamble Francis Parton and John Goram came to my house and told me if I did not pay Gamble the money he had sued for they would take my life. They were armed with a revolver a large long pistol and a double barrelled pistol. They said I had the money in my pocket and if I did not pay it my life should pay it. As they did not seize me then I went to my friends house on the hill and left my purse and watch. He loaded a gun for me and told me if I took that they would be afraid to molest me. I went back to my tent house and commenced harnessing my horse. The same three men again returned with about 9 others mostly irishmen and some from Sydney. They repeated the same threats and came all around me. I was alone and had laid the gun down to harness my horse. They sprung upon me suddenly and seized hold of the gun. I struggled to retain the gun and kept my hold for some minutes. They pointed several pistols at my head and they called to another to shoot me through the head. I bent my head down expecting every moment would be my last but this circumstance providentially saved my life. They were all so close around me that if they fired at me they would also kill one of their own number. I relinquished the gun and while they were secreting the gun I got a little way from them but they soon overtook me and commenced trying to kill me. One large tall man seized me by the throat and struck on the neck behind in order to break my neck. One gave me a heavy blow on the temple which stunned me very much. Another struck me in the face. Another struck me on back of the head with some heavy iron, I think it was an Allen's revolver. So many struck my head at once that I did not feel a large handful of hair which they pulled out at the same time. Francis Parton was one who was very anxious to have me killed for he would gain nearly a hundred dollars by it. He had bought about 65 Dollars worth of goods of me and swindled me out of the pay and then sold some of them to Gamble who could not pay Parton unless he robbed me. While some struck me others put their hands into my pockets and took what money I had left there about 8 Dollars and all else of any value. From struggling to get clear and their repeated blows I became completely exhausted and told them I would give them all I possessed if they would not take my life. I first gave them my property but they said they wanted the money. They dragged me almost lifeless up to the store where the money was deposited as security. Joseph Tufts was present at the store of Mr Gonin and did not raise his voice against it to them. They told Mr. Gonin that I said they could take the money and he gave it to them. They then suffered me to go and I left them while they were getting liquor with the money.

[Annotated:] Laid on the table Nov 12, 1851

[*Letter from Stephen Payran, Relating to his Resignation*]

San Francisco, November 10th 1851

To Mess. J. B. Huie & F. Woodworth, Esquires

Gentlemen: Being informed of your appointment as a Committee to inquire of me in behalf of the Committee of Vigilance my reasons for offering my resignation as Chairman of your body, and member of the Executive Committee &c, I will cheerfully acquiesce with your instructions and as briefly as possible lay the causes before you, for such future action as you may deem proper.

[November 12, 1851]

One of the causes referred too is, that our usefulness as a Committee of Vigilance is at an end, by reason of the many innovations that have been allowed to creep in since our reorganization, to wit creating offices with salaries attached, increasing indebtedness without regard to the consequences, or the prospect of paying, the action taken by the Committee in regard to certain matters, prostrating the wisdom of our body and exposing it to unjust and offensive remarks abroad

At the time of our formation when we rallied together to rid our City of evils, and preserve life and property against the combined action of a corrupt Judiciary and rogues, we set forth the only just and true course, thereby carrying out the wisest maxim, "That the people only can redress grievances" under that we proceeded and in a short time, with great perseverance, great labor and expense, we secured to ourselves, peace and safety, and held forth to our representative powers the necessity of hereafter obeying the will of their constituents, or failing in so doing, they should be held amenable to the power creating them, having in a great measure accomplished our ends, it was thought advisable to curtail our powers, sink our debts, and leave for the present all matters in the hands of our constituted authorities and test their truth and honesty, merely keeping an Eye of Vigilance on their actions. However no sooner have we reorganized, than we proceed to create a Sargeant at Arms with a Salary of $150, a Secretary with a Salary of $100, these two items with other monthly expenses to wit, Rent $50 per mo. Stationary &c $50 per month making in the aggregate $350 per month, when at the same time we have old and new debts to pay amounting to some two or three hundred dollars, without a dollar in the Treasury to meet them, it might be well could we end here, we have before us prospectively much greater difficulty to encounter, a portion of which already stares us in the face, I allude to the case of Metcalf vs Argenti, the first action of the Committee touching that matter was wrong and has entailed on us great difficulties, for the future, that case presents the following view

Judge Burritt holds a claim of		$500
Austin Esquire	do	500
Counsel at San José		500

M$^{r\cdot}$ Cook	500
Costs paid	125
Costs to accrue in last case	500

We have no reason to believe otherwise, than that the members of the Committee of Vigilance, will eventually have to pay these debts, as well as the monthly expenses, which amount now to upwards of $3500, the current touching that case has set against us and instead of our taking measures, to estop it we continue to do acts calculated to encrease the evil and destroy our vigilance, from time to time members will be singled out suits brought, and if in the same ratio we vote for the same measures, as adopted in the previous cases, we shall create a debt of at least $50,000, to say nothing of the annoyance and vexation attending litigation, this matter is also another cause of my resignation

From the time of our creation up to the present time, I have not caused the Committee to be put to any expense attending matters in which I have engaged, but invariably sought to save and to secure us from danger in regard to our Finances, and you may rest assured Gentlemen that in the case of Metcalf vs Argenti should I be implicated, the Committee shall not be subjected to any costs on my account, but I do complain bitterly that with so much wisdom in our assembly we should betray such want of foresight, we are by our course allowing a combination to form against us, which is calculated to do us much harm,

I never sought at your hands for Honor or preferment, I return you Gentlemen my warmest thanks, for having thought me worthy in our struggles to be made your Chairman, incapable as I may have been to discharge the trusts committed to me, if I have erred I do assure you my errors were not of the heart, I did not desire to be placed in the new Executive at the dissolution, or merging of the old Executive into the new, I really was surprised at my reelection especially when I had been informed that I was one of the causes for the dissolution, on the ground that I exercised too absolute a power, indeed when Leiut Maynard proposed me as President of the new Executive, and I was elected, I could not find utterance to express myself, for the honorary

[November 12, 1851]

distinction conferred on me, I had determined to resign at a convenient season, the present offer of my resignation is the third or fourth attempt, you may have observed that I have seldom taken the chair, I felt determined to put down the petty, selfish and jealous feeling that seemed to exist, I felt that shorn and stripped of all power, strength and authority, the chair alone without the man was fully competent to discharge the duty, notwithstanding the acceptance of my resignation I ever stand ready to comply with the solemn pledge made under the Constitution, whenever an exigency may arise, holding it to be our bounden duty to stand by each other under all circumstances.

The last and only other reason I shall offer you is that, of a proper interpretation or understanding of your Officers of the Constitution and Bye Laws of the Committee, the cause of which has allowed criminals to escape, or kept us in ignorance of the truth whereby our vigilance has been at fault,

Our Committee of Vigilance as it now stands may be aptly compared to a Barque without compass or wheel, crew mutinous or unwilling to do duty or pay obedience, with a Lee shore and breakers in view, as an officer of such a Barque with such impending danger, in view I think it well to resign my command into the hands of another, or that the crew may select some one whom they will obey and save the ship ere it be too late, and I earnestly hope that by thus relinquishing my position, some one more skilful may bring you safely through, and anchor in a safe Haven

I feel Gentlemen that the thanks of your Committee is justly due to our worthy Treasurer Eugene Delessert Esquire throughout his career of office he has always stood forth and warned us of our position in a financial point of view, and so sanguine was he at one time of our ability to pay that he offered to loan us on our several promises to pay or refund him the amount, we thanked him but declined acceptance, now with an almost empty Treasury with an enlarged indebtedness and one likely to increase in the future, it is well that the offer was not accepted may he continue to discharge said duties

Having in a desultory manner set forth reasons why I have offered my resignation to wit, innovations, in general, and not intended to have been allowed by the reorganization of our Committee.

Secondly, that the Office of President is a matter of mere honor, and therefore might be abolished, and an officer pro tempore would answer better, or a more useful purpose

Thirdly, that the present course of the Committee is calculated to involve the members in debt, without the means of payment, and eventually involve our honor, that the measures adopted in the case of Metcalf vs Argenti betrays a great want of prudence, as well as fear and is calculated to raise a combination against the Vigilance Committee whereby some must suffer—

Fourthly, That the Constitution and Bye Laws have become inoperative or not understood by subordinate officers, whereby the power and opinion of a Superior Officer and Officers amount to nothing, rendering the office of Chairman a nullity,

In conclusion, Gentlemen permit [me] to say that I entertain the liveliest feelings of regard for you, and shall ever remember the circumstances that brought us together and the happy issues arising therefrom, may the good produced ever remain, but should necessity ever demand at our hands the carrying out the solemn pledges made by us, I will be with you

I humbly trust that you will fill my position with some one who shall be agreeable to all, that you will alter and amend your Bye Laws, cut down all offices of pay—take action in the case of M. & A. in such manner as to prevent further cost, and make such arrangements with Mess Burritt & Austin as that those Gentlemen may have no cause of affront, and relinquish the claim that you may reconsider the vote in the matter of M^r^ Cook and let each member when sued enter his own appearance, and the Counsel employed may enter a plea, One case alone will determine the issue, and settle the whole matter in controversy, that you may bring all these matters to a happy issue, ever keeping a vigilant eye on the State and Condition of our City and State, believe me

Truly your obdt. servt
[Signed] S. Payran

[November 12, 1851]

Copy [of a Letter Accepting Mr. Payran's Resignation.]

Executive Committee Chambers
Stephen Payran Esq. San Francisco Nov 20 [?]

Dr Sir Your communication to the Executive Committee of Committee of Vigilance, asking for the acceptance of your resignation as a member of this Committee, and leave of absence from General Committee with remittance of dues & fines was read last evening.

The Committee accept your resignation as a member of this body, but decide that they have no power to grant leave of absence or remittance of dues & fines from General Committee, unless the applicant is about to leave the State.

The following Resolution was offered and passed.

Resolved, that the thanks of this Committee be tendered to our late Chairman Stephen Payran Esq for his unremitting attention and untiring vigilance during the whole period of his connection with this Committee and for the Gentlemanly and impartial manner in which he has at all times presided over the deliberations of this body.

I have the honor to remain,
Yr Obt Servt,
[Signed] I. Bluxome Jr, Secy.

[Addressed:]
Stephen Payran Esq
Present.

MONDAY, NOVEMBER 16, 1851

MINUTES

Minutes of Ex Com[1] Nov 16, 1851

Mr G W Ryckman in the Chair
Minutes of former Meeting dispensed
Handy arrested by Thomas Taylor & Dunglason
Evidence in case of Handy

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[1] A draft of minutes for November 16 is preserved in the files, but it has not been copied in the record book. The motion concerning the banner suggests that this session may have been identical with that reported in the book of proceedings on Wednesday, November 19, the day for the regular weekly meeting.

On motion of F Argenti

That the Banner of Committee of Vigilance now in charge of the Executive Committee be placed in charge of Charles Griswold for safe keeping.

Presen[t] G W Ryckman Mr Delassert, Argenti Griswold G R Ward Chas L Case I Bluxome Smiley

MISCELLANEOUS PAPERS

[*Description of Demecho*]

James Town Nov 16th 1851

To the Vigalance Com. of Franc°

Sirs, I send a Description of a Greek, by the name of Demecho who has committed one of the foulest murders and Boldest Roberys on Record. he is about five foot six in height —Dark complexion with the thumb of the left hand cut off short —Age between 30 and 40 years, when he left he had on him a light color Over Coat Black Hat Pants and Boots Any expenses for the arrest of the Greek will be paid cheerfully by the citizens of James Town—A letter directed to *Dr Clarke* of the above named place will meet with prompt attention

[Addressed:]

To the Vigilance Committee of San Francisco
in Haste

WEDNESDAY, NOVEMBER 19, 1851

MINUTES

Minutes of Executive Committee Nov 19. 1851

Mr G W Ryckman in the chair.

Minutes of former meeting read and approved

Mess Frank Panton A J Alma & James F Curtis accept their appointments on the Executive Committee.

On motion of Mr F Woodworth.

Resolved That the article in the *Sacramento Union* of Nov 14 headed. "Vigilance Committees—Their Necessity & Justice" be placed on file. passed [1]

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[1] The *Sacramento Daily Union*, November 10, printed a long article commending the work of the Vigilance Committees of the state.

On motion of F Woodworth.

Resolved, That the Banner of the Vigilance Committee be placed in the hands of Chas Griswold Esq for safe keeping. carried

On motion of Geo R Ward.

Resolved That the Secretary be authorized to collect the outstanding dues of this committee.

On motion of Chas Griswold Esq

Resolved That a Committee of three be appointed by the Chairman to select a suitable room for the meetings of the Executive Committee. The following Gent were appointed. Mess Chas Griswold, Jas M Swift, & F Woodworth.

Letters were received from Mess A J Ellis & J R Snyder requesting the Committee to accept their resignations as members of Vigilance Committee as they had been elected members of the Legislature of this State Resignations were accepted

A letter was received, directed to Mr Argenti from Mess Francis Benzi, Pablo Cabassi, & Lorenzo Faroni stating that one Alexander Biergio had been murdered by a Spaniard called Damian and another named Peter Demitro. Communication placed on file.

Mr W^{m} Burling desired to resign from the Executive Committee as he was about to leave the State Resignation accepted.

On motion adjourned

[Signed] Isaac Bluxome Jr
Secretary

TUESDAY, NOVEMBER 25, 1851

MINUTES

Minutes of Special Meeting of Executive Committee Nov 25

Mr G W Ryckman in the Chair

Minutes of former meeting dispensed with

Present Mess Ryckman, Argenti, DeLong, Dewey Darling, Dowes, Delessert, Swift, Ward, Garwood Bluxome.

Mr Ryckman stated that the meeting had been called together on information received from Mr J Gregory that a quantity of spurious Gold dust had been received in this City.

Mr Joseph W Gregory on being called before the committee stated—

That he had received a quantity of bogus gold dust from New York shipped by Mrs Sylvester consigned to Mr L Sylvester who lives in sacremento St between Montgomery & Kearny streets. Mr Gregory says that he called on Mr Crozier the City Marshall and told of it. Mr Crozier took no steps to stop the issue. Mr C said that there appeared a difficulty about it in proving that it was his (Sylvesters) that it might have been ship'd to him from New York without his knowledge, or that it might have been sent to him for his own use, in his business as a tinner. Mr C did not tell me to arrest the party when he called for the gold dust.

[On the Ship manifest it is called brass solder—

On the Receipt of Gregory the receipt reads Received of Mrs Sylvester, one tin Case &c[1]

Mr G states that he has in his possession another box of the same material waiting for some one to call for it.]

On motion of Geo R Ward

Resolved That a Committee of three be appointed by the President for the purpose of waiting upon Mr Gregory and telling him to arrest the party who shall call for the box now in his possession, and when arrested to send for the committee The following gent were appointed Mess Argenti, Delessert, & Delong.

On motion of Geo R Ward

Mr Ryckman was added to the Committee

On motion adjourned

[Signed] Isaac Bluxome Jr
Secretary

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[1] The paragraphs in brackets are from a draft of the minutes. The receipt from Gregory's Express is preserved in the files.

WEDNESDAY, NOVEMBER 26, 1851

MINUTES

Minutes of Executive Committee November. 26. 1851

Mr G W Ryckman in the Chair

Minutes of two former meetings Approved.

Mr F Woodworth, one of Committee on rooms, stated that he had taken some trouble to select a proper room for the meetings of the Executive Committee, but had not as yet conferred with the balance of the Committee, and would not be able to report until next meeting.

A communication was read, from Mr H Sayre President of Vigilance Committee at Wymans Ravine, dated Nov 17. 1851. in which he states that several brutal murders had been committed in his vicinity, and that one Bill Moulder, was strongly suspected of having something to do with them, and is supposed to be in or about this City.

On motion of Mr F Woodworth

Resolved That the communications be placed on file and that a copy be given to the Mayor of this City by the Secretary, and that the Secretary inform the Mayor that the Committee will render all the aid in their power to have the murderer arrested.

The Qualification Committee

Report the names of Mr De Witt C Brown in the place of Stephen Payran resigned, to serve for 6 months from the 17th of Sept last, and Mr James Murray in place of Wm Burling, resigned to serve also for the term of 6 months from the 17th of last Sept. Report accepted, and the Gent were declared duly elected.

On motion adjourned

[Signed] Isaac Bluxome Jr
Secretary

MISCELLANEOUS PAPERS

Wymans Ravine Nov 17/51

Mr Charles Wood

D Sir. Our vicinity has been greatly excited for a week past in consequence of Five of the most brutal murders, the bodies of which have been found, and the absence of Four others, which are supposed to have shared the same fate. Circumstances since the murder have caused suspicion strongly to attach to *Bill Moulder*, whom doubtless you recollect. He was in possession of a claim, which three days before the murder he valued at $500. and the next day after sold at a great sacrifice and left amediately. On the day he left, an attempt was being made to organize a Vigelance committee— He is known to have been holding communication, for ten days previous to the murder with suspicious looking individuals. He has been in the habit of spending considerable sums of money, which he is known not to have brought here, or to have made since. There is no proof that he was present when the deed was done, but is strongly suspected of being cognisant of the whole matter, he is supposed to be one of the gang

I have addressed this note to you to get you to lay this letter before the Vigilance Committee of Sacramento, not knowing the names of any of that Committee. I shall omit a description as you can give the committee *that* as well as I can— Moulder is from New Holland and left here with the avowed intention of returning to Sidney. The reason he gave for leaving, was that the climate did not agree with his health. He left without being aware that any suspicion attached to him, in fact, it was the sacrifice of his claim and his evident anxiety to get away, that led suspicion to him, since which many circumstances have been recollected, which has induced people to believe that he is one of the gang As he has gone to your city, the committee here has thought it advisable to call the attention of your committee to him[1]—

Yours in haste
[Signed] H. Sayre
Pres Vig Committe Wymans Ravine

He goes by the name of W^m^ Morgan or W^m^ Moulder

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[1] The papers told of a startling increase of crime in the mining regions, just at this time. Nearly thirty murders, within two weeks, were reported in the *S. F. Herald*, November 21, and Vigilance Committees were hastily organized in several of the camps and smaller towns.

[November 26, 1851]

Middle Size man, Meostushes he wore when I Last se him he has a Lisp in his speech English Broge[2]

[Annotated:] On motion Capt Garwood
That letter be placed on file

[Addressed:]
Mr Charles D Wood
Sacramento
[In pencil, below:] Capt Patterson
Pacific Wharf

WEDNESDAY, DECEMBER 10, 1851

MINUTES

Minutes of Executive Committee December 10. 1851

Mr Selim E Woodworth in the chair

Minutes of former meeting read & approved.

On motion of Mr G R Ward

Resolved That Committee on rooms be instructed to report at the next meeting of Executive Committee

On motion of Mr G W Ryckman

Resolved That the accounts of Mr F Argenti in the case of Metcalf vs Argenti Atkinson et als be refered to Finance Committee

On motion of Mr Geo R Ward

Resolved That that the bill for coal of the steamer *Fire Fly* be rejected, and that the Secretary be instructed to send the bill back to the owner of the boat.

On motion of Mr G W Ryckman

Resolved That the report of the Treasurer lay on the table until there are funds in the treasury.

On motion of Mr James Dowes

Resolved That in consequence of the scarcity of funds in the Treasury of the Committee, that a committey be appointed by the Chairman to divide the City into districts and select suitable persons from the Committee to waite upon all persons residing in their district and obtain all the funds possible for the purpose of liquidating the debts of the Committee of Vigilance. Committee are James Dowes & Isaac Bluxome Jr

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[2] The postscript is in another hand.

On motion of I Bluxome Jr

Resolved That a committee of three be appointed by the President to prepare a suitable certificate of membership to the Committee of Vigilance Committee Mr G W Ryckman, Mr Jas Dowes & F Woodworth[1]

On motion of Mr J W Cartwright

Resolved That the Secretary be directed to give to Mr Wood a copy of the Confession of Whitaker & M^cKenzie.

On motion

Resolved That the suit of Metcalf vs Bluxome be refered to Committee on lawyers with power to act Committee are Mess De Long, Woodworth & Bluxome[2]

On motion adjourned

[Signed] Isaac Bluxome Jr
Secretary

MISCELLANEOUS PAPERS

[*Police Order*]

Resolved That the Secretary be instructed to notify the members of the Committee on Collections, of their appointment and Enclosing them a copy of the resolution of this body in regard thereto.— Also furnishing each member of said Committee with a suitable heading for a subscription explaining the objects for which the Collections are made, and assigning [them] the particular district in which they [shall] operate,—

[*Report on Collecting Funds*]

The Committee appointed to divide the City in districts and appoint members to collect money from the inhabitants to defray the expenses of the Committee of Vigilance report the following

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[1] Certificates engraved on vellum were sold to the members for $5 each. See Frontispiece.

[2] On the very day on which the nominal damages for the plaintiff were awarded, Metcalf brought suit against Isaac Bluxome, Jr., and J. F. Curtis for $50,000 each, on the old charge of trespass. *Alta California*, December 8.

East and West

Pacific	St	from	Kearney	St	east,	Noah Ripley
Jackson	“	“	“	“	“	R M Jessup
Washington	“	“	“	“	“	James Dowes
Clay	St	“	“	“	“	Jas B Huie, J F Hutton
Long Wharf		“	Montgomery	“	“	Jas F Curtis Jas Murray
Commercial	St	“	“	to Kearney		E Delessert
Sacramento	St	“	Kearney	St	[east]	James M Swift
California	St	“	“	“	“	Wm N Thompson, J Seligman
Pine	St	“	“	“	“	H F Teschemacher

North & South

Kearney	St	from	Clay	St	North	J C L Wadsworth
“	“	“	“	“	South	Wells
Montgomery	St	“	“	“	North	P Jacks, C R Bond, E Delessert
“	“	“	“	“	South	Jas DeLong & E Delessert
Sansome	St	“	“	“	North	W F Coleman, W A Darling
“	“	“	“	“	South	Geo R Ward
Battery	“	“	“	“	North	Wm H White
“	“	“	“	“	South	G M Garwood
Front	St	“	“	“		W L Bromley
City North of Broadway						N Miller

All of which is respectfully submitted.

[Signed] James Dow
“ Isaac Bluxome Jr

WEDNESDAY, DECEMBER 17, 1851

MINUTES

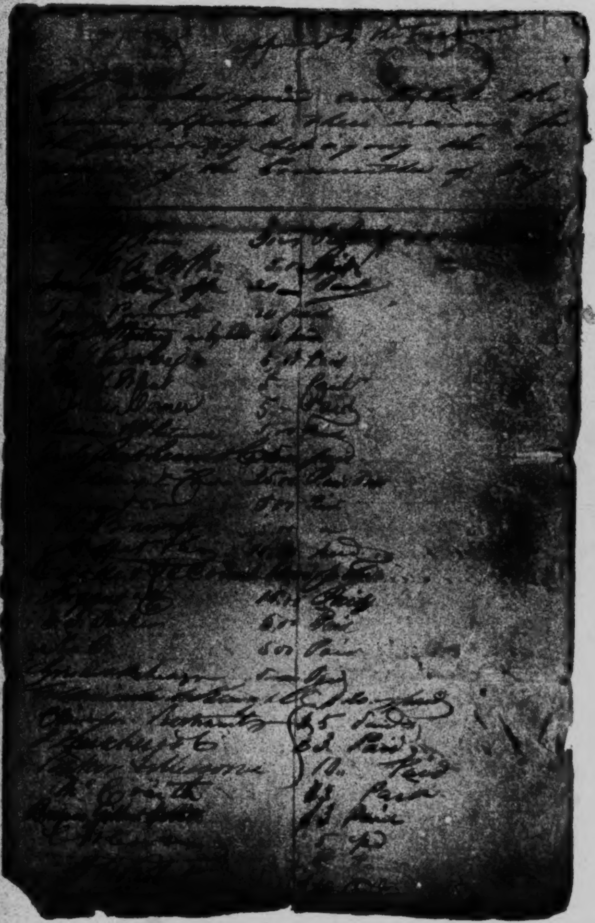
Minutes of Executive Committee Dec. 17. 1851

Mr G W Ryckman in the chair

Minutes of former meeting read & approved

On motion of Mr J W Cartwright

Resolved That a committee of five be appointed by the chairman to confer with Capt Ellis of Bark *Calleo* who was taken by force from his vessel by Mr McManus & others and ascertain whether the name of the Vigilance Committee was used for the



FACSIMILE OF A LIST OF CONTRIBUTIONS TO THE COMMITTEE OF VIGILANCE.
From the Collection of Mr. Charles B. Turrill of San Francisco.

purpose. Committee F Woodworth, J W Cartwright, G R Ward I Bluxome Jr H F. Teschemacher.

Mr F Woodworth on behalf of committee on rooms reported that they were unable to obtain rooms in a fire proof building at a reasonable rate and recommend that the present be used for another month.

On motion of Mr D W C Brown

Resolved, that the Committee on Certificate of membership have futher time to report, and full power to act.

On motion of Mr Argenti.

Resolved That a member of this Committee be sent to San José to urg upon Mess Crosby & Tingley the necessity of making a motion to have judgment satisfied in the case of Metcalf vs Argenti Atkinson et als and not to leave San Jose until the business is finished.

On motion adjourned

[Signed] Isaac Bluxome Jr
Secretary

MISCELLANEOUS PAPERS

[*Report of Committee Appointed to Confer with Captain Ellis*]

Capt Wiliam Ellis of Brk. *Calleo* lying near Long Wharf was aroused this morning, Dec 17 at one oclock by six Irishmen, and two watermen, all of whom represented themselves as members of the Vigilance Committee of this city.— Believing them as such, he went with them in their boat.— They took him to the Mission Creek— there landed him— took him under the threat of hanging if he refused some three or four miles into the country, and then exhibited a rope with which they threatened to hang him unless he paid them £220. Had no money with him, but in order to save his life had to promise to pay that amount.— Knows one of the party very well, is named McManus— the same man that escaped from the Colonies.— Another of the party called his name Russell, a brick layer.— They told him that Jack Hays was also one of the party, but does not believe it was Hays.— Another man of the party represented himself as belonging to the revenue department.— Both the watermen represented themselves as in the employ of the Vigilance Committee.— Ellis once received in part payment for assisting in the attempted escape of Smith O'Brian £220, and this being the same amount demanded is probably the reason for demanding that particular amount. Neither of the six men ever paid anything toward the £220.—

[Committee:] F. Woodworth Cartwright Ward Bluxome Teschemacher

[Testimony. One page is missing.]

[. . .] but to my surprise they refused to allow him to go. Mr Coombs asked them where they were going to take me, they replied that if he would enquire at the Sheriffs office in the morning they would find out we then pulled up to Mission Creek and went alongside of a Schooner at the head of the creek, they asked among themselves if the Major was there with horses, I landed, & they held a consultation with each other. MacManus stepped up to me and told me that I was his or their prisoner, and if I moved one inch it would be instant death to me, Mr M^c^Manus gave the order to march forward we went by a long sandy road I should think at least three or four miles where there was a brick kiln, they held another consultation, M^c^Manus took me to a hut close by, and took me inside and ordered me to remain there, a fire was lighted and they gave me some spirits to drink and something to eat, but I eat nothing I remained in the hut about one hour and afterwards I was tried by Mr M^c^Manus and his men, Mr M^c^Manus had a rope which he said he was going to hang me with, I was asked several questions respecting Mr Smith O'Brien I gave them every satisfaction respecting the affair, they then retired from the hut for co[nsultatio]n,[1] they returned in about . . .[1] and acquitted me of the charge of betraying Smith O'Brien, and of running away with the Cutter *Victoria*. The jury called me out to the outside of the hut and told me that I would have to pay 220£ for one half and the outfit of the *Victoria*. The men told me that I could go home again, Mr M^c^Manus still persisted in desiring to shoot me but the others kept him off. I had no arms about me. One of the men who appeared to be my friend I asked to lend me a pistol, and if I had done wrong I would fight Mr M^c^Manus there, his friends would not allow it, and said they were perfectly satisfied with my statement and would see me home safe. The Cutter *Victoria* was lost at the Sandwich Islands about 10 months since.

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[1] Paper torn.

[Signed:] W^m^ Ellis

San Francisco Dec 18. 1851

Thomas Russel being duly sworn deposes & says, I know Capt Ellis he was, in New Zealand, always born a first rate character (I have known him about 6 years), until about 7 years since, I was then residing in New Zealand, he commanded the Schooner *Hannah*, and was brought in port and charged with Piracy, I was empanneled on the jury, but being favorably inclined towards Cap't Ellis I was excused from serving on the Jury, he was tried and sentenced to 7 years to one of the Penal Colonies. At the time I made up my mind that he was not guilty of the offence and resolved with others to take him from the gaol by force. A strong guard being at the gaol we did not attempt it. I was one of the party who went on board the Barck *Calleo*, I called to Capt Ellis and told him to come up, he told me to come in the morning. I got opposite the Cabin door so that he should not make his escape with a pistol in one hand and a knife in the other, he made no resistance presently a boat came alongside I told him to dress himself and come with us, he did so, he got into the boat we pulled away around the coast some where and into the bush, there was a number of men ... they took something to eat, and ... Cap't Ellis had a fair trial, ... explained himself very well, and satisfied some of the men, but did not satisfy me altogether. I have never heard any one say anything bad of Cap't Ellis. I did not say that we were members of the Vigilance Committee, nor did I hear anyone say so

[Signed] Tho^s^ Russell

San Francisco Dec 18. 1851

Capt John Coombs being duly sworn deposes & says, I was on board the Bark *Calleo* when a party came on board & wanted

Cap't Ellis, I heard some one state that the Vigilance Committee wanted them.

[Signed] John Coombes

Alexander Richards being duly sworn deposes & says. Mr Coombes remarked while this party came on board that this was the Vigilance Committee came to visit them. There was no distinct avowal from any of the party that they were members of the Vigilance Committee.

[Signed] Alexr Richards

John Valnear About the middle of the night a party of men came on board the Bark *Calleo*, and one of the party stated that he was an officer [of the Committee of Vigilance[2]]

[Signed] Vellere[?]

Cap't William Webster [. . .]
San Francisco Dec 18. 1851

Thomas Melville I was present when the party came on board the Bark *Calleo*, I did not hear any one say that they were members of the Committee of Vigilance
San Francisco Dec 18, 1851

[Signed] Thos Melville

WEDNESDAY, DECEMBER 24, 1851

MINUTES

Minutes of Executive Committee Dec. 24. 1851

Mr G W Ryckman in the chair.

Minutes of former meeting read & approved.

On motion of Mr Delessert

Resolved That the Secy write letters to all members of the Executive Committee who have absented themselves for three consecutive meetings, and request them to state in writing, why their seats should not be declared vacent.

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[2] The words in brackets are crossed out.

On motion of J C L Wardsworth

Resolved That a Committee of three be appointed by the President to see that the banner of the Committee of Vigilance be placed in the fair of the Ladies of Trinity Parish. Committee Mr W N Thompson, E Delessert, & T J L Smiley

J W Cartwright one of Committee appointed at last meeting to enquire whether the name of the Vigilance Committee was used by McManus and others in abducting Cap't Ellis from his Ship—

Reports that the special committee were satisfied that the name was not used in the prosecution of this outrage Report accepted & committee discharged.

On motion adjourned

[Signed] Isaac Bluxome Jr
Secretary

WEDNESDAY, DECEMBER 31, 1851.

MINUTES.

Minutes of Executive Committee Dec 31. 1851

Mr G W Ryckman in the Chair.

Minutes of former meeting read and approved.

A letter was received from Mr J C P Weeks Secretary of Vigilance Committee at Mokelame Hill, in which he states that a man named James Campbell had murdered a Chilano named Estaban Naides, of which he was found guilty by a jury, but finally escaped, and desired this Committee to arrest him, should he come to this City. It was ordered that the letter be placed on file and that the Secretary answer it.

A letter was also received from Mr Alex Kirchner desiring leave of absence for two months as he is about to leave the state for that time. The request was granted.

On motion adjourned

[Signed] Isaac Bluxome Jr
Secretary

MISCELLANEOUS PAPERS

[*Letter from Vigilance Committee, Mokelumne Hill*]

Mokelumne Hill Dec 28. 1851.

Gentlemen

A gambler by the name of James Campbell was tried on Friday last by a Jury of the people of this place for killing most wantonly a Chilian by the name of Estaban Naides. a verdict was rendered of "Wilful Murder without provocation." but when returned a small assemblage only was present & he was released by the influence of the gamblers & he fled below.[1] Yesterday a Vigilence Committee was organized here, & they have offered a reward of $300 for the delivery of Campbell at the Rooms of the Committee in this place, which sum wil be paid on his delivery.

If arrested any assistance in the way of furnishing evidence or otherwise will be rendered by addressing our body.

Campbell was formerly a member of Stevenson's Volunteers & the "San Francisco Hounds"

Height 5 feet 9 in. Hair dark brown, eyes dark gray. Complection Fair—Visage long; aged about 25 years.

Any effort on your part to secure the arrest & delivery of Campbell will be gratefully reciprocated.

Respectfully your's,
Per order of the Executive Committee
[Signed] J. E. P. Weeks,
Secretary

To the Vigilance Committee of San Francisco

[Annotated:] Received & placed on file and Secy an's this.
Dec 31
Ans'l, Jan 5. 1852 I B Jr secy

[*Letter from Alex Kirchner*]

President Executive Committee Comittee of Vigilance

Sir The undersigned prays for leave of absence for the

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[1] The *Alta California*, December 30, published a detailed account of the trial and release of this criminal. Clark was a member of Company E, First Regiment of New York Volunteers.

term of two months, as he is about leaving the State for that period.
Respectfully
Alex. Kirchner

Sanfrancisco 27 Dec 1851—

[Annotated:] granted, Dec 31

WEDNESDAY, JANUARY 7, 1852

MINUTES

Minutes of Executive Com^{e} Jany 7th 1852

Mr Cartwright in the chair

Minutes of former meeting read & approved

On motion of Mr Argenti that the Secretary be instructed to notify the members of the executive, that business of importance would be brought before them at the next meeting and to request a full attendance.

On motion adjourned

[Signed] Geo. R Ward
Secy pro tem

MISCELLANEOUS PAPERS

Benicia Jan$^{y.}$ 10th 1852

Dear Mr Oakley

Two Brothers on the Steam Ship "*Northerner*" was robbed of their Clothes a Bank Book on Yesterday Evening or this Morning. The Bank Book was on the Savings Bank Cor. Montg. & Clay S$^{t.}$ the Money put in by George Wiedhoffer[?] to the amt of $230— Robinsons & Cos Bank— You will please see and stop the payment at Bank—

By So doing will oblige

Yours truly

[Signed] W^{m} Rickards

The *Northerner* will be in San Francisco early on Monday Morn.

[Addressed:]

Daniel Oakley Esq^{r}
Care of Middleton & Smiley
San Francisco

WEDNESDAY, JANUARY 14, 1852

MINUTES

Minutes of Executive Committee January 14. 1852

Mr Selim E Woodworth in the chair

Minutes of former meeting read and approved

A letter from Mr. Edward Oakes of Boston Mass was read and ordered to be placed on file.

A letter was received from No 33. [B Reynold] setting forth the probable cause of the death of Mrs Lambert Ordered that the Secretary have permission to lay the matter before a Justice of the Peace.

On motion of Geo R Ward

Resolved That the name of the Treasurer be signed on the left hand side of the Certificates of membership to Committee of Vigilance Carried

On motion of F Woodworth

Resolved, That the Secretary be authorised to obtain a box in the Post Office for the Committee of Vigilance carried

On motion of F Woodworth

Resolved That the Treasurer be authorised to pay the bill of Mr M Griffith of Steamer *Fire Fly* for coal carried[1]

On motion of J C L Wardsworth

Resolved That the Secretary write to each of the members who have a subscription list to report at the next meeting and request them to exert themselves to make the amount as large as possible carried

On motion of F Woodworth

Resolved That as soon as the Officers of the Committee can have the certificate ready they shall make it known to the members, by publication in the daily papers carried

On motion of T J L Smiley.

Resolved That a meeting of the General Committee be called and that at that meeting the proposition of adjournment sine die be submitted. The motion was laid on the table.

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[1] See voucher No. 95, p. 796.

Mess Smiley & Hutton desired that the secretary record their votes in the negative.

On motion adjourned [Signed] Isaac Bluxome Jr
Secretary

WEDNESDAY, JANUARY 21, 1852

MINUTES

Minutes of Executive Committee January 21, 1852

Mr G W Ryckman in the chair.

Minutes of former meeting read and approved.

A letter was received from Mr Argenti in which he requests leave of absence for 3 or 4 months. granted

Leave of absence was granted to Chas L Case

On motion of Geo R Ward

Resolved that Mess Berford & Connor be accepted as members of the Vigilance carried[1]

Mr Geo R Ward volunteered to make collections on Sansome St from Clay St South, in place of Chas L Case who has gone to New York

On motion of Geo R Ward.

Resolved that certificates of membership be sent to Cap'ts Wm A Howard, & E Wakeman on parchment, now absent at the Sandwich Islands, with appropriate letters. carried. Mr F Woodworth was appointed to correspond.

On motion adjourned [Signed] Isaac Bluxome Jr
Secretary.

MISCELLANEOUS PAPERS

[*Resolution*]

That certificates of membership on vellum be forwarded *gratis* to Capt W. A. Howard & Capt E Wakeman with appropriate letter, in consideration of the valuable services of those members.

[Annotated:] Adopted Jan'y 21, 1851 [1852]
Geo R Ward

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[1] Berford's signature is not on the roll of members. Edward Conner was number 712.

[January 21, 1852]

[*Letter from Felix Argenti*]

To the President of the Vigilance Committee

Dear Sir This will be handed to you by my friend Mr Delessert who will explain to you that I have been obliged to start this morning for New York in such haste as to be unable to take a personal leave of you. I beg to assure you that I still remain with you heart & soul. I shall return here within 3 or 4 months when I hope to find you all in good health & our City flourishing.

Meanwhile I remain
Sincerely yours,
[Signed] F. Argenti

[Annotated:] Rec'd Jany 21. 1852

WEDNESDAY, JANUARY 28, 1852

MINUTES

Minutes of Executive Committee January 28, 1852

Mr Selim E Woodworth in the chair

Minutes of former meeting read and approved

The following Gentlemen were admitted as members of the Committee of Vigilance

Cap't Isham[1]	Capt Wm MacMichael
Capt Ottinger	Edward C Kemble
	Capt Wm W Lawrence

Mr George R Ward one of committee on collections

Reported that he with Mr T J L Smiley had collected and paid over to the Treasurer 200.$ and that there was about 100$ more subscribed, to be collected. Report was accepted and privilege given to the committee to collect any other sum from the citizens, in any part of the city.

On motion, a vote of thanks was given to the gen't for their untiring efforts to rid the Committee of Vigilance from debt.

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[1] The signature of William MacMichael is number 711, and that of J. B. G. Isham is number 716, the last on the roll of the Committee. None of the other names are listed as members.

Mr Fre'd Woodworth committee on correspondence read letters prepared for Capt's W^m^ A Howard & Edgar Wakeman "accepted."

Mr Seligman was appointed to make collections of money on California St for the purpose of defraying the expenses of the Committee of Vigilance, in place of Mr Chas Griswold, who is sick.

On motion of Mr W^m^ H White

Resolved that Mess Selim E Woodworth & Geo R Ward be appointed a committee to waite upon Sheriff Hays, and get a statement of the disposition of the Gaol fund and obtain a lein or other security for the citizens who subscribed their money for the completion of the building, and that said committee have full power to act.

On motion of Mr I Bluxome Jr Mr G W Ryckman was added to that Committee

Mr F Woodworth one of Committee appointed to waite upon . . . V Marziou, reported that he had called upon him concerning the [French Convicts] . . . who were said to be on their way here, and that . . . V Marziou showed him letters which denied the charge and showed the impossibility of it, and promised to give the Committee a copy of the letters.[2]

On motion of Mr T J L Smiley

Resolved that the letters be published as soon as received. carried

On motion adjourned

[Signed] Isaac Bluxome Jr
Secretary

WEDNESDAY, FEBRUARY 4, 1852

MINUTES

Minutes of Executive Committee February 4^th^ 1852

Mr G W Ryckman in the chair

Minutes of former meeting read and approved

Mr Geo R Ward one of Committee on french convicts, read a letter directed to Mess V Marziou & Co from their Government, setting forth in substance, that the emigrants from France would be the laboring classes, and that no person would be allowed to sail except he could give good references as to character.

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[2] This paragraph is confused by corrections and interlineations.

On motion of Mr Geo R Ward

Resolved That a communication be addressed to Mr Wm G Blake signed by the President & Secretary and under the seal of the Committee, most explicitly denying that Mr Cartwright had any authority to contract debts for the Committee of Vigilance, and also that Mr Cartwright be called upon for explanation

On motion of Mr D W C Brown

Resolved that from and after this date the office of Sergeant at arms be abolished, and that the Secretary notify the person holding the office of this resolution.

On motion of Mr D W C Brown

Resolved that no action be taken in the case of Blake vs Cartwright until Mr Cartwright can be heard in his defence

On motion of Mr F Woodworth

Resolved that unlimited leave of absence be granted to Mr John J Vioget and that the Secretary notify him of the fact

MISCELLANEOUS PAPERS

Copy [*of a Letter to Mr. Oakley*]

Executive Committee Chambers
San Francisco February 4. 1852

Mr D L Oakley

Sir I am directed by the Executive Committee of Vigilance Committee to notify you that from and after the date of this letter the Office of Sergeant At Arms is abolished.

I remain Your Obt Serv't
[Signed] Isaac Bluxome Jr
Secretary.

[*Letter from Mr. John J. Vioget*]

To the Honorable President of the Executive Vigilant Committee

Sir The undersigned being obliged to remouve with his family at a farm distant from this City Beg to present his regnisation of his membership of the Honorable Vigilant Committee, If I had remained in this town he would felt honored to remain as a member of the said Committee

Yours most Ob^{t} S^{t}

John J. Vioget
N$^{o.}$ 196.

San Francisco 4th february 1852.

[Addressed:]

To the Honorable President of the Vigilant Commitee of
San Francisco

Copy [of a letter to Mr. John J. Vioget]

Executive Committee Chambers
San Francisco February 5th 1852

John J Vioget

Sir At a meeting of the Executive Committee of Committee of Vigilance a letter from you desiring your resignation to be accepted, for reasons set forth, was read. I am directed by the Committee to say to you that no resignation can be accepted, but they give you unlimited leave of absence, and remission of dues and fines.

I am also authorised to thank you, for the Committee, for your untiring vigilance, and promptness when called upon for duty.

I remain Your Obt Serv't
[Signed] Isaac Bluxome Jr
Secretary.

WEDNESDAY, FEBRUARY 11, 1852

MINUTES

Minutes of Executive Committee February 11. 1852

Mr G W Ryckman in the chair

Minutes of former meeting read and approved

A bill was presented by Mr Ryckman for Mess Reid & Co for expenses of Mr Cartwright to Columa & back for one hundred & thirty dollars

Mr Cartwright made a motion

That the Secretary address Mess Reid & Co a letter stating that Mr Cartwright had no direct authority from the Committee of Vigilance to contract debts in their name and consequently the bill is returned to them. [. . . the bill is returned to Mr Reed agt for Mr Blake[1]]

On motion of Mr G W Ryckman

Resolved that the Secretary report at the next meeting the names of the Gent who have been absent for six successive meetings.

On motion adjourned

[Signed] Isaac Bluxome Jr
Secretary

MISCELLANEOUS PAPERS

[*Bill from Mr. H. Reed.*]

San Francisco Feb. 4, 1852

The Executive Committee of the Vigilence
of San Francisco
To H Reed Dr,

To Amt. of two notes given by J. W. Cartwright at Coloma for funds loaned said Cartwright while acting as Agent of Committee at Coloma Nov 27th 1851	
Vz	
Note Dated Nov 27 1851. for	$30.00
" " Dec 2 " "	108.50
	$138.50

WEDNESDAY, FEBRUARY 25, 1852

MINUTES

Minutes of Executive Committee February 25. 1852

Mr Selim E Woodworth in the Chair.

The Committee on jail fund report that they have seen Mr B F Harley D'y Sheriff and received from him a statement of the way in which the moneys given to the Sheriff for the completion of the County jail had been expended, and that a lein for the amount had been filed in the Office of the County Recorder. the following is the statement

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[1] The phrase in brackets is from a draft of the resolution.

James Donahue for doors & locks	2750.
Blakburn & Thompson for Cement	200.
Williams & Meiggs for lumber	377.
P D Headley for Cement 451.75 S P Divine mason 63.^{00}	514.75
F P Smith Carpenter 254.^{00} J OConnor carpenter 130.^{00}	384.50
W A Weadle mason 134. W Brindle mason 67.	201.
Smith " 212. Merritt & Welton carters 38	250.
	$4677.28

The following Gentlemen were appointed trustees for the Gaol fund. James Dows, James M Swift and Selim E Woodworth.

A bill of 50$ was presented for rent of room. ordered paid

A bill of *Evining Picayune* was presented. ordered paid and paper discontinued

On motion of I Bluxome Jr

Resolved that a letter of condolence be sent to the friends of Cap't Charles Thompson of Steamer *General Warren* who was lost at the mouth of Columbia River on the 28th of January, also a certificate of membership

Mess G M Garwood, W^{m} H White & F Woodworth request leave of absence as they are about to leave the City for the Atlantic States, until the term for which they were elected members of the Executive Committee expires.

On motion of Mr T J L Smiley.

Resolved that the Qualification Committee report at the next meeting the names of Gent who will be willing to serve as members of the Executive Committee.

On motion of Mr J C L Wardsworth

Resolved that the Treasurer of the Committee be ordered to pay the bills as they were contracted so far as approved by the Committee.

On motion of Mr J C L Wardsworth

Resolved that the bill of Mess Wood & Cook for defending Mellus et als be approved and paid by the Treasurer

On motion Adjourned

[Signed] Isaac Bluxome Jr
Secretary

MISCELLANEOUS PAPERS

[*Letter from Captain George M. Garwood*]

S. E. Woodworth Esqr.
President of the Committee of Vigilance of the City of San Francisco

Sir I purpose to leave here on the 15th inst to visit the Alantic States with an intention to return to this *State* with my family, And therefore beg leave of absence for eight months—

Respectfully yours &c
[Signed] George M Garwood.
Nº 46

San Francisco February 11th 1852

[Annotated:] leave of absence granted with remission of dues and fines Feby 11. 1852. I B Jr Secy

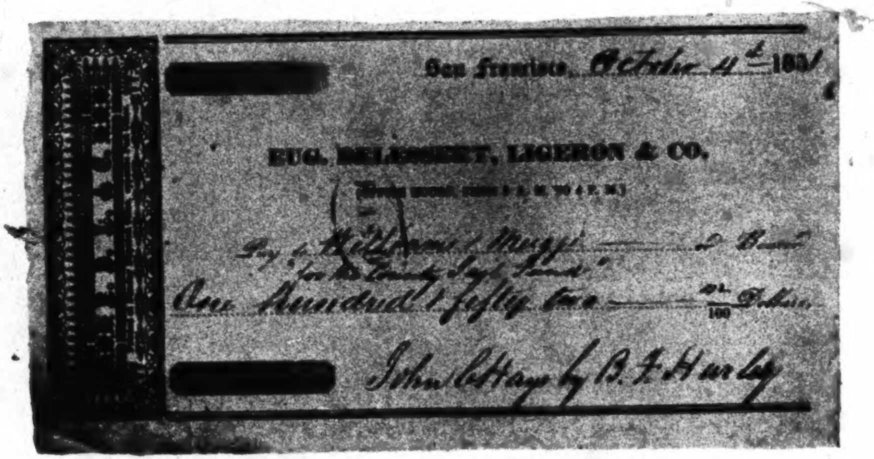
[*Letter to Captain George M. Garwood*]

Executive Committee Chambers
San Francisco Feby 15. 1852

Capt G M Garwood

Sir I am directed by the Executive Committee of Committee of Vigilance to inform you that they have granted, leave of absence, to you for the term of eight months from the date of this letter.

I am also requested to thank you in behalf of the Committee, for the many valuable services rendered by you to the Committee. [. . .]



San Francisco, October 4th 1851

EUG. DELESSERT, LIGERON & CO.

([illegible] 9 A. M. TO 4 P. M.)

Pay to Williams & Meggs or Bearer
"for the County Jail Fund"

One hundred & fifty two 00/100 Dollars

John C. Hays by B. F. Hurley

FACSIMILE OF A DRAFT ON THE FUND FOR COMPLETING THE COUNTY JAIL.

Jail Fund Report, Sheriff Hayes

San Francisco Feby 13. 1852

Gentlemen

I beg leave to report to you that by the authority of the Committee of Finance of the Vigilance Committee of San Francisco, I drew upon the Banking house of Messrs Dellesert & Co for the sum of $4694.29/100[1] which I expended for the completion of the County Jail and filed a lein in the recorders office of this County, in the following sums, and for these purposes viz paid

James Donahue for doors & locks		$2750—
Blackburn & Thompson for Cement		200—
William & Meiggs for lumber		377—
P. D. Hedley	" Cement	451.75
S. P. Devine	Mason	63.
F. P. Smith	Carpenter	254.
J. OConner	do	130.50
W. A. Weedle	Mason	134.
W. Brindle	do	67.
Smith	do	212.
Merrit & Welton	Carters	38.
		$4677.28—

Very Respectfully

John C. Hays
[Signed] by B F. Harley

To Geo R. Ward Esqr
S E Woodworth "
G. W. Ryckman "

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[1] The original drafts are preserved in the files. The following entries are found in the General Index of the Recorder's Office, San Francisco;
"1851, Oct. 10, Jno. C. Hays (Grantor) vs. County Jail (Grantee), Lien"
"1852, March 30, Jno. C. Hays " County of San Fco. " Sat. on Lien"
A memorandum, in Harley's writing, reads as follows:

Amount of liens for material & labor filed by . . . Hays	$3406.78
" expended since filing said lien	435.00
Donohues bill for Iron Doors, unpaid	3300.00
	$7141.78

WEDNESDAY, MARCH 3, 1852

MINUTES

Minutes of Executive Committee March 3. 1852

There not being a quorum present

Mr Ward made a motion to adjourn, until Wednesday evening next the 10th inst.

[Signed] Isaac Bluxome Jr
Secretary

MISCELLANEOUS PAPERS

[*Correspondence with Vigilance Committee of Mokelumne Hill.*]

Executive Committee Rooms
Mokelumne Hill, Jany 9. 1852

Mr Isaac Bluxome Jr,

Dear Sir. Your favor of the 5th inst, was duly received, and I am instructed to convey to your body the thanks of our Committee for its early and prompt attention to the subject matter of our communication. We will take pleasure in communicating to you any information in our power relative to criminals and rendering any assistance for their arrest.

To your polite offer of forwarding us a copy of your constitution and bye laws, I will say, that our Committee will be gratified to receive the same as early as it may suit your convenience to transmit them.

Your's respectfully,
[Signed] J. E. P. Weeks,
Secretary

[Annotated:] Recd & placed on file
Ansd March 2. 1852

[Addressed:]
Mr. Isaac Bluxome, Jr.
San Francisco
N. C.

[March 3, 1852]

Executive Committee Chambers
Mokelomne Hill Feb'y 29th 1852

Mr I Bluxome Jr Secy of Vig. Come of San Francisco.

Sir:— In your Letter of 5th Ult. to our former Secretary Mr J. E. P. Weeks, you kindly made the offer of forwarding a copy of your "Constitution & bye-laws" to the Vigilance Committee of this place, at their desire.

Mr Weeks said he had accepted your offer; however, thus far Nothing has come to hand; consequently, we would, most respectfully, renew the desire of obtaining a copy of "the Constitution & bye-laws" of your respectable association

I have the honor to remain Your Obt Servt
[Signed] Wm. L. Zuber
Secretary

By order of the Executive Committee.

[Adressed:]
Mr Isaac Bluxome Jr.
San Francisco Cala

Copy Executive Committee Chambers
San Francisco March 2d 1852

J E P Weeks Esq

Dear Sir Your favor dated Jany 9th came duly to hand, and I have been compelled to delay answering in consequence of a suit commenced against some members of our Committee for trespass in searching the house of a Sydney man, supposed to have stolen goods in his possession; the suit was for 50,000.$ damages; the Jury brought in a verdict of 6 cents and all the suits against members have been discontinued.[1] I was ordered by the court to bring up all the books & papers of the Committee of Vigilance together with the Constitution, and I immediately gave them to a member and told him not to let me know what he did with them, so that I might go into Court and swear that I did not know where they were; this is my excuse for not answering sooner.

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[1] The suit of Metcalf vs. Mellus et als., tried in the Superior Court of San Francisco, in February, resulted in a verdict of six cents for the plaintiff. *S. F. Herald*, February 20, 1852.

Enclosed you will find a Copy of our Constitution, and a blank Certificate of membership of the Committee of Vigilance of San Francisco.

I have the honor to remain
Your Obt Servt
[Signed] Isaac Bluxome Jr
Secretary

SATURDAY, MARCH 13, 1852

MINUTES

Minutes of Executive Committee March 13. 1852

Minutes of former meeting read and approved

Mr Selim E Woodworth in the chair

On motion of Mr Geo R Ward

The following Gentlemen were appointed as a Qualification Committee. James C Ward James Dows James De Long G W Ryckman Capt J F Hutton

Mess A J Alma, F Panton & W L Bromley never having been present at the meetings of the Executive Committee On motion of Mr Geo R Ward it was

Resolved that the seats of the three named Gentlemen be declared vacent and that the Qualification Committee select three others to fill their places carried

On motion of Mr T J L Smiley

Resolved that the Secretary call a meeting of the General Committee on the evening of the 17th of the present month at ½ past 7 o'clock at the old rooms on Batery St. Mess G W Ryckman, T J L Smiley & James Dows were appointed to make the necessary arrangements.[1]

The Qualification Committee reported the names of Mess G

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[1] The *S. F. Herald,* March 17, stated that the recent increase of crime in the city had roused the Vigilance Committee to renewed activity. The following notice appeared in the papers of the same date:

"Vigilance Committee Attention! In conformity with a resolution passed at the last meeting of the Executive of Vigilance, the whole body of the General Committee are required to meet This Evening, Wednesday, the 17th inst., at half past 7, P. M., at the old Committee Rooms, on Battery street. The object for which this meeting is called

W Ryckman, S E Woodworth & Isaac Bluxome Jr to serve as members of the Executive Committee in the places of Mess A J Alma F Panton & W L Bromley who were elected for one year from the 17th of September last. The Gent were declared elected.

On motion of Mr James F Curtis

Resolved that a certificate of membership be presented to Mr Jamvrin with a letter giving him leave of absence without charge

On motion of Jas C Ward

Resolved that a Committee be appointed to waite upon Mess Austin & Burritt and try to effect a compromise with them on their bills against the Committee of Vigilance. Mr Jas C Ward was appointed.

On motion of George R Ward

Resolved that the Executive Committee report through their Qualification Committee, the names of suitable Gent to fill the vacencies occasioned by the expired term of the six months members

On motion of Mr James F Curtis

Resolved that the office of Secretary shall cease to be an office of pay after the 17th of the present month.

On motion of Mr George R Ward

Adjourned [Signed] Isaac Bluxome Jr
Secretary

WEDNESDAY, MARCH 17, 1852

MINUTES

Minutes of Gl Com[1] March 17, 1852

Mr Selim E Woodworth in the Chair

The President stated the object of the meeting and read extracts of the journal of the Executive Committee—

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being of so much importance to every member of this body, a full attendance is expected.

I. Bluxome, Jr., Sec'y.

San Francisco, March 17, 1852."

[1] Drafts of minutes of meetings on March 17, 24, and 31 are preserved in the files, but are not copied in the record book.

[March 17, 1852]

Report of the Secy of the Executive Committee accepted—

Report of Treasurer Accepted

On motion of J B Huie, Resignation accepted vote of thanks to Mr Delessert—by Gen^{l} Com—

Qualification Com Report the following Gen^{t} as members of the Executive Com to serve for 12 months from the 17th of March 1852 [. . .][1] carried

Mr Delessert & Mr Payran certificate on Parchment—

On motion G R Ward

Any member of Com who shall not obtain a Certificate within 30 days from date his name shall be stricken from the roll

[Annotated on back of sheet:]

	A. J Cornell	Subscription	
	J G Baker	do	
	P Jacks	will collect 100$	
679	D W Chancey	wants certificate	
154	John M Coughlin	"	"
135	A L Tubbs	for cer	5 pd
	F A Atkinson	for cer	5 pd
	Paid Delessert	102.^{50}	

MISCELLANEOUS PAPERS

[*Resignation of Mr. Eugene Delessert*]

Committee of Vigilance

To the Members of the Executive Committee

San Fr$^{co.}$ March 1852

Gentlemen & Friends— Since the beginning of our worthy association, you have honored me with the title of treasurer, confidence which I have highly appreciated & tried to fulfill to the best of my ability

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[1] Six months had now elapsed since the reorganization on September 17, 1851, and it was time for another election for members of the Executive Committee. The *Herald* reported that 315 members attended the session of March 17, and that many were kept away by an important meeting in the Plaza, called for the discussion of the matter of the Colton land grants. The names chosen are not given in the minutes, but the roll call, kept by the secretary, was rewritten for the new term, and includes the following: W. C. Annan, Isaac Bluxome, Jr., Samuel Brannan, H. A. Cobb, J. P. Corrigan, J. E. Dall, W. A. Darling, James De Long, Eugene Delessert, James Dows, E. M. Earl, A. M. Ebbets, J. S. Ellis, G. M. Garwood, S. R. Gerry, Eugene Hart, D. N. Hawley, R. Hochklofler, G. H. Hossefros, W. A. Howard, Pulaski Jacks, A. Kirchner, R. S. Lammot, B. G. Latimer, William MacMichael, L.

Business calling me to Europe & not expecting to return before end of present year I give you notice of my Departure in order to enable you to elect an other treasurer

I beg also leave of absence wishing to remain an honory member of your Society during my absence

I cannot omit Gentlemen to thank you for the most friendly manner which you always showed me during my sojourn amonst you

Wishing you success in your noble enterprise, beleive me Gentlemen one of your warmest members & friend

[Signed] Eug Delessert
Treasurer

[Annotated:] On motion of G W Ryckman

Resolved, That leave of absence be granted to the within Applicant and that the Secy address a letter to Mr Delessert

Copy [*of a letter to Eugene Delessert*]

To Eugene DeLessert Esq

Dear Sir. The Executive Committee of the Committee of Vigilance, acknowledge receipt of your letter of the 13th March 1852, in which you tender your resignation as Treasurer of the Committee, and ask a leave of absence during your intended visit to France.—

I am instructed to inform you that the latter was granted, and that in accepting the former, an unanimous vote was passed thanking you for the able manner in which you had performed the duties of your office.—

The Members desire also to express to you by that vote, that, they gratefully remember the important influence you have exerted in behalf of the Committee. the subscriptions you have obtained, the donations you have made, and above all the facilities

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Maynard, James Murray, Noah Ripley, M. Rudsdale, G. W. Ryckman, R. C. Sanders, C. G. Scott, T. J. L. Smiley, C. R. Story, A. B. Stout, J. E. Sweetser, J. M. Swift, E. Thebaud, W. N. Thompson, G. R. Ward, J. C. Ward, J. C. L. Wadsworth, F. A. Woodworth, S. E. Woodworth.

you have extended at times when an exhausted Treasury threatened to cripple its exertions.— Always prominent, ever active in whatever conduced to the best interests of the Association, and of the Public which it represented; accepting willingly those responsibilities which fell so heavily upon the individuals composing it; corteous and liberal in the discharge of the duties of your office; the announcement of your approaching departure was listened to with sincere regret.—

Assuring you of their esteem, your Associates wish for *you* a continuance of that prosperity which you so well become, and for *themselves* an early reunion with one whose worth they have proved, and whose excellent qualities they cannot too highly appreciate.—

I am dear Sir,
Respectfully Your Ob^t^ Serv^t^
[. . .]
Secretary of the Executive Committee of the
Committee of Vigilance

San Francisco March 1852

[*Communications*]

Committee rooms San Francisco March /52

Sir

You were unanimously elected a member of the Executive Committee of Committee of Vigilance on the evening of the 17th of the present month to serve for one year from the 17th of March

There will be a meeting of the Executive Committee on Wednesday evening at their Chambers at the corner of Sansom & Sacramento St over Mess Middleton & Smileys auction room.

You are requested to be punctual

By order of Committee
[Signed] Isaac Bluxome Jr

San Francisco March 19. 1852

Isaac Bluxome Jr Esq
Secretary of Executive Committee of Committee of Vigilance—

Sir. Yours of March 18th was received informing me of my election as member of the Executive Committee of Committee of Vigilance—

I regret that I am not able to serve as my family are with me and I am compelled to be with them as much as possible

Respectfully Yours
[Signed] Joseph E. Sweetser

[Annotated:] Excused from serving on Com

WEDNESDAY, MARCH 24, 1852

MINUTES

Minutes of Executive Committee March 24. 1852

Mr Selim E Woodworth in the Chair

Mr I Bluxome Jr be appointed Secy of the meetin

On motion of Mr G R Ward

that the Secy be requested to notify the members of the Com that there will be a meeting on Wednesday evening next at ½ past 7 oc that officers will be elected &c

On motion the meeting Adjourned

[Signed] I Blux Jr
Secy

MISCELLANEOUS PAPERS

[*Communications*]

Vigilance Com Rooms San Fran 25 March '52

Sir

On the 17th Inst you were unanimously elected a member of the "Executive" for the ensuing year.

A meeting of the executive will be held on Wednesday next at 7½ P. M. at the rooms over Middleton & Smiley's which you are requested to attend

By order
[Signed] Isaac Bluxome Jr
Secy

[Addressed:]
R Hockofler
Present

[March 24, 1852]

Vigilance Comittee Room Mch 25. 1852

Sir.

On the 17th Inst you were unanimously elected a member of the Executive for the ensuing year

A meeting of the Executive will be held at their rooms over Middleton & Smilys on Wednesday evening Mch 31 at 7½ ock which you are requested to attend

By order

[Signed] I Bluxome Jr
Secy

[Addressed:]
E Thibaut Esq
Present

WEDNESDAY, MARCH 31, 1852

MINUTES

Minutes of Executive Com March 31. 1852

Mr Selim E Woodworth called to the Chair

Mr I Bluxome appointed Secretary

On motion of G R Ward

That a meeting be called for Friday evening next the 2d of April at ½ past 7 oc

On motion adjourned

[Signed] Isaac Bluxome Jr
Secy

FRIDAY, APRIL 2, 1852

MINUTES

Minutes of Executive Committee April 2d. 1852

Mr G W Ryckman in the chair

Minutes of former meeting read and approved

On motion of Mr Geo R Ward

Resolved that Mr Garret W Ryckman be elected President of the Executive Committee for 6 months from the 17th of March last. carried

On motion of Mr Geo R Ward

Resolved that Mr Selim E Woodworth be elected as 1st Vice President and Mr Eugene Delessert be elected 2d Vice President of the Executive Committee carried

On motion

Resolved that Mr Geo R Ward be elected as treasurer and Isaac Bluxome Jr be elected as Secretary of the Executive Committee. carried

The following Gent were elected as a Finance Committee

Mr James Dows	Mr T J L Smiley
" A M Ebbets	" E M Earle

Mr Pulaski Jacks

The following Gent were elected as a Qualification Committee

Dr A B Stout	Mr Jas Murray
Mr W A Darling	" R S Lamotte

Mr Chas G Scott.

On motion of Mr Selim E Woodworth.

Resolved that a Committee of three be appointed by the President to waite upon the proprietors of the Jenny Lind & American Theatres and ascertain at what price the Theatre can be had for the purpose of giving a benefit for the Committee of Vigilance Committee S E Woodworth, E Delessert, W A Howard

On motion of Capt W A Howard

Resolved that Cap't E Gorham to fill the vacency of Mr Joseph E Sweetser resigned. elected

On motion of Mr S E Woodworth

Resolved that the Secretary advertise the watches[1] found on Spires at Sonora. and that a Committee be appointed to waite upon Mr Robert and inform him of the jewelry found Committee S E Woodworth T J L Smiley.

On motion of Mr T J L Smiley

Resolved that the Secretary address a note to John C

---

[1] In the papers of June 3 there appeared a description of a gold watch which had been found, and awaited its owner at the rooms of the Vigilance Committee. The notice was subscribed by Isaac Bluxome, Jr., Secretary.

Hays informing him that Mess Jas Dows, Jas M Swift and S E Woodworth were appointed a committee and empowered to have lein of Committee of Vigilance recorded in their names[2]

[Signed] Isaac Bluxome Jr
Secretary

MISCELLANEOUS PAPERS

[*Resolution*]

Resolved, that the Chair appoint a Committee of five to negotiate with one of our respectible Theaters, for a Benefit for the relief of the funds of the Vigilance Committee, and report to Ex Com

[Signed] Selim E Woodworth

[Annotated:] Adopted
E. Gorham G W. Ryckman Stout
Delessert S E Woodworth

WEDNESDAY, APRIL 7, 1852

MINUTES

Minutes of Executive Committee April 7. 1852

Mr Selim E Woodworth in the chair

Minutes of former meeting read and approved

Mr Noah Ripley resigned his seat in this committee And on motion of Mr S E Woodworth, the resignation was accepted and Mr Chas Griswold appointed to fill the vacency

On motion of Mr S E Woodworth

Resolved that the Secretary report to the Marshall of Sonora of the proceedings of the Committee in regard to watch & jewelry found on Spires & others.

On motion of Mr Geo R Ward

Resolved that the outstanding dues of members be referred to committee on finance and that the committee have full power to settle the amounts due to committee

---

[2] The editor has found no record of such a lien.

Risignation of Mr Pulaski Jacks received & accepted and Secretary directed to give Mr Jacks a written leave of absence

On motion Adjourned

[Signed] Isaac Bluxome Jr
Secretary

MISCELLANEOUS PAPERS

[*Resignation of Noah Ripley*]

San Francisco April 7th 1852

Isaac Bluxome Esq Secretary

Dr Sir I received Your note, informing me of my Election, as one of the "Executive Committee." Please express to the Vigilance Committee, my grateful acknowledgements for this mark of their Esteem & assure them that I am with them Heart, Hand, & Purse, in their commendable efforts to suppress and punish Crime, but a sense of duty to my family, from whom I have been seperated for two Years, & who will shortly arrive, compels me to decline the Honor Confer'd on me

Your Obdt Servt.

[Signed] Noah Ripley

[Annotated:] Chas Griswold elected in place of N Ripley

[Addressed:]

Isaac Bluxome Esq.
Secretary

[*Resignation of Pulaski Jacks*]

San Francisco April 7th 1852

Isaac Bluxome Jr Esq Secretary of Committee of Vigilance

Dear Sir Expecting soon to visit the Atlantic States, I hereby tender my resignation as member of the Executive and Finance Committees, and respectfully request leave of absence from the General Committee of Vigilance for an indefinite period.

Respy. Yours

[Signed] Pulaski Jacks.

[Annotated:] granted and a letter be written him by the Secy

[*Resignation of Isaac Bluxome*]

San Francisco April 7. 1852

To the President and Gent of the Executive Committee

I hereby beg leave to tender my resignation as Secretary of this Committee, as my business wil not allow me to attend to the duties of the office.

Very Respectfully Your Obt Servt
Isaac Bluxome Jr
Secretary

[Addressed:]
To the President of the Executive Committee

THURSDAY, APRIL 15, 1852

MINUTES

Minutes of Executive Committee April 15. 1852

Mr Selim E Woodworth in the chair

Minutes of former meeting read & approved

Verbal report of Thatrical Committee received & accepted.

On motion of J C L Wardsworth.

Resolved that the Secretary address a letter of thanks to Mr & Mrs Thorn, Mr Maysten, Mr Smith & Madam Eleanore for the prompt manner in which they volunteered their services for the relief of the Committee of Vigilance

On motion of Mr Jas C Ward

Resolved that the Theatrical Committee have full power to make contracts with actors &c

On motion of Isaac Bluxome Jr

Resolved that Mr Jas C Ward be appointed to fill vacency in the Committee on Theatres caused by the absence of Capt W A Howard

On motion of George R Ward

Resolved That the Chairman [have power to call the finance Com together on monday next the . . . inst at 12 oclock and lay before them the state of the funds of com and that they shall have power to act—

On Motion Jas Dows
On Motion Jas Murray

That R M Jessup be elected to fill vacency of Mr Jacks in the Ex Co & also on finance com[1]]

[Signed] I Bluxome Jr
Secy

MISCELLANEOUS PAPERS

[*Letter of Thanks to Madame Eleonore*]

Chambre du comité de Vigilance, San Francisco 15 Avril 1852
Madame,

Dans la derniere séance du Comité de Vigilance il a été décidé qu'une lettre de remerciments vous serait adressée pour l'offre aimable que vous avez bien voulu faire de contribuer par votre talent à la representation qui devrait avoir lieu au bénéfice du comité de Vigilance.

Le soussigné s'empresse avec plaisir de vous témoigner la reconnaissance du Comité et ayant appris avec regret votre prochain départ, il vous prie d'agréer ses souhaits pour votre voyage et votre prospérité.

Agréez, Madam, l'assurance de notre considération distinguée.
Madame Eleonore Florentin[2]

WEDNESDAY, MAY 5, 1852

MINUTES

Minutes of Executive Committee May 5, 1852

Mr Jas C Ward in the Chair.

Minutes of former meeting read and approved

One bill from *San Francisco Herald* for 12.$ and one from *Alta California* for 14$. were presented and ordered paid.

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[1] The sentences enclosed in brackets are from a draft of the minutes.

[2] Madame Eleonore was a member of the company that played at the French Theatre. The Jenny Lind and the American Theatres were also giving regular performances during this season.

[May 5, 1852]

On motion of Mr James C Ward

Resolved that a meeting of the General Committee be called together on Wednesday evening next the 12th inst*

On motion of Mr James C Ward

Resolved that a Committee be appointed to procure a building for the meeting of the General Committee and that they notify the Secretary of the place & time. Committee Mess Jas Dowd, Jas C Ward & M Ruddsdale

On motion adjourned

[Signed] Isaac Bluxome Jr
Secretary

MISCELLANEOUS PAPERS

[*Letters from Vigilance Committee, Mokelumne Hill*]

Mokelomne Hill April 19th 52.

Mr Isaac Bluxome Jr.

Sir:— I herewith bring to your notice the case of Two Brothers named Rathgaeb from whom has been Stolen the sum of Twenty one hundred Dollars. They are miners & discovered their loss this morning They called immediately on our Committee & from circumstances given us in a hearing to-day, Suspicions rest very Strongly on one Beiber; who is said to have left this place on Friday last & it is presumed has made his way to San Francisco

One of the parties who have been robbed, named John Rathgaeb is going to San Francisco in pursuit. And in accordance with an action of this Committee I have given him a Letter of introduction to your Notice. If the robber has not succeeded in making his escape from San Franco This may be the means of restoring an amount the loss of which is truely a Misfortune for the parties in the case to sustain.

Beiber is a Native of Switzerland, about 35 yrs of age, 5 ft

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* The following notice appeared in the papers of May 7:
"Vigilance Committee Attention! The Executive Committee have thought it advisable that the General Committee should meet during the months of May and June. The first meeting is hereby called at the old room, on Battery street, on Wednesday next, the 12th instant, at 8 o'clock P.M. By order of the Executive Committee."

6 in high, light complexion, light hair & grey eyes is Stout-built.

I have the honor to remain

Your Ob't Serv't

[Signed] Wm L. Zuber

Secretary

[Addressed:]

Mr Isaac Bluxome Jr.

Sec'y of Vige Committee of San Francisco

Ca

Mokelomne Hill April 19th 1852.

Mr Isaac Bluxome Jr.

Sir:— The Bearer of this, Mr John Rothgaeb is a party of two Bro's from whom has been Stolen about Twenty one hundred Dollars out of their Tent between last Tuesday and this morning. The Bearer has had a hearing before this Committee & in accordance with his evidence he suspects one Beiber as the person who has Stolen the Money. He (B) left this place on Friday morning 16th Inst and it is presumed that he has probably made his way to San Francisco

Beiber, Is a Native of Switzerland 5 ft 6 in high, Light complexion, light hair & grey eyes. Stout built.

Any attention you may deem this man's case worthy of will be properly appreciated by this Committee.

I have the honor to remain

Your Ob't Serv't

[Signed] Your Ob't Serv't

Wm L. Zuber

Secretary

[Addressed:]

Mr Isaac Bluxome Jr.

Secy of Vige Commitee of San Francisco

Ca

WEDNESDAY, MAY 12, 1852

MINUTES

Minutes of General Committee[1] May 12 1852

Mr Selim E Woodworth in the Chair

Mr E M Earle stated the object of the meeting to be to collect money for [. . .]

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[1] Drafts of minutes of meetings on May 12 and 26 are preserved in the files, but are not copied in the book of proceedings.

[May 12, 1852]

On motion of Jas C Ward

That each member of the Com present call on the Secy and giving in their names for the purpose of ascertaining those present

On motion of Jas C Ward

That the members of the Com patrol the City and report all disorderly houses and suspicious persons to the Ex Com carried

On motion G W Ryckman

That a Com be appointed by the chair to [. . .]

On motion Mr Delessert

That on the 9th of June a Grand Dinner be given by the members[1]

A vote of thanks to Capt Chavin[?] for use of room and Secy address the letter [. . .]

MISCELLANEOUS PAPERS

[*Letter from Thomas Hinigan*]

San Francisco, May 12th 1852

To the Executive of the Committee of Vigilance

Gentlemen By name, doubtless, I am known to you all, though my personal acquaintance extends only to a few of your General Committee. From the first formation of your honorable body, (though not a member) I have taken an active part in your promulgated measures, and as Marine Reporter for the *Alta California,* gave every information in my power to those members of your Committee appointed to inspect vessels arriving from Sydney. On my recent visit to the Australian Colonies,[2] I felt it my duty to defend the Vigilance Committee of this City, from the tirades of abuse and slander hurled against them, and having now returned with the intention of making California my home, would wish to assist you in your praiseworthy object, should you consider me a fit and proper person to be associated with you. It has been stated by an anonymous writer of a paper in this City (now defunct) that I am the son of a Sydney Convict and born in the Colonies. From papers, however, in my possession I can shew that I was born in London England, that far from my father being a convict, he was never in the Colonies; that I emigrated with my mother and Uncle to South Australia in the year 1839, that having lost my Mother in Adelaide in 1842, I proceeded to Sydney– there completed my servitude as apprentice to the Printing business, and subsequently became Marine Reporter for the *Sydney Morning Herald,* which situation I resigned to come to this country. Almost immediately on my arrival I declared my intention of becoming an American citizen (now upwards of two years since) and can shew from a certificate from the Proprietors of the *Alta California,* that I conducted myself with honesty and ability during the eighteen months I was connected with them. I am now connected with Messrs Southgate & Co— In conclusion I beg to say that I believe I can give you much information & assistance if you place confidence in me, and beg to subscribe myself

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[1] The Committee was organized June 9, 1851. The San Francisco papers did not report that an anniversary dinner was held in '52.

[2] In the *Sydney Morning Herald,* November 8, 1851, Thomas Hinigan replied, at great length, to the complaints of Captain Harris, of the *Timandra* (see note 6, p. 147). He gave a clear account of conditions in San Francisco, and strongly defended the work done by the Committee of Vigilance.

Your Obedient Servant
[Signed] Thomas Hinigan

[Addressed:]
To the Executive Committee of Vigilance
San Francisco

[Memorandum on back:] Brig *Gulnare* Sydney 30 old convicts

WEDNESDAY, MAY 26, 1852

MINUTES

Minutes of Ex Com May 26. 1852

Mr G W Ryckman in the Chair

The meeting was notified that the building now occupied by this Com was about to be pulled down and that it is necessary for the Com to move from the building

On motion of I Blux Jr

That a Com be appointed to select a proper room and attend to the moving of the furniture Com Jas Murray & J C L Wardsworth

[Memorandum on back:] A L Tubbs 7 ms—
J P Corrigan 8 mos
M R Roberts 4 ms

WEDNESDAY, JUNE 30, 1852

MINUTES

Meeting of Executive Committee June 30. 1852

Mr G W Ryckman in the Chair.

The following resolution was passed unanimously.

That Mr E M Earle is fully authorised to receive from each member of the select Committee who were instructed to collect funds for the purpose of liquidating the debts of the Committee of Vigilance all the funds now in their hands—and to pay the same over to Mr E Cook—the Counsel employed to defend the action brought by Metcalf against the members of this body—to the amount of Five hundred dollars—and to hold the ballance in his hands subject to the order of the Executive Committee.

The above resolution was given to Mr E M Earle signed by Mr G W Ryckman & I Bluxome Jr.

FRIDAY, NOVEMBER 26, 1852

MINUTES

Minutes of Executive Committee[1] Nov 26, 1852

Mr G W Ryckman in chair

On motion of S E Woodworth,

Mr G W Ryckman was elected president of Ex Com

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[1] The record in the Secretary's book closed with the entry for June 30, but among the loose papers are a draft of minutes for November 26, and a report of the examination of a prisoner suspected of arson. The newspapers of that period reported an increase of crime in San Francisco, and an alarming number of fires, several of which seemed to be of incendiary origin.

The following notice was published on November 17:

"Committee of Vigilance. The members of the Committee of Vig-

On motion of Capt Hy S Brown

I Bluxome Jr was elected Secretary

On motion Mr F A Woodworth

R B Hampton was elected Treasurer

On motion S E Woodworth

That a qualification & Finance [committee] be appointed by the President

R B Hampton Chairman of Com on rooms reported that a room over Mr Noah Ripley for 50$ or two rooms for 100$.

On motion F A Woodworth

That no further action be had in the matter of hiring a room, and that the Com on rooms be empowered to obtain the use of one of the Engine Buildings

On motion S E Woodworth,

That a vote of thanks be given to Mr Geo R Ward for the faithful performance of his duty as Treasurer of the Committee

On motion Adjourned

[Signed] Isaac Bluxome Jr

Deposition of Charles Talbot
Arrested on Charge of "Arson." Nov. 25th 1852
By N°. 1

Chas. Talbot, 21 years of age, Frenchman by birth, born at "Chartres," I am in the employ of Valliant & Brasseur, Wine and Liquor Merchants in Merchant Street. Mr Brasseur

---

ilance of the city of San Francisco are requested to meet on Friday Evening, the 19th inst., at half past seven o'clock, at the store of Messrs. Middleton and Smiley, corner of Sacramento and Battery streets, as business of vital importance to the community will be brought before the meeting. A full attendance both of the Executive and General Committees is particularly desired.

S. E. Woodworth, President
Isaac Bluxome, Jr., Secretary."

The *Herald* of the 25th reported that: "On the evening of November 24 a fire was discovered in the lower story of the fine block of brick buildings on the south side of Merchant street, above Montgomery. . . . The U. S. District Court is held on the second floor, and many valuable documents are contained in the vault." The fire was suppressed with difficulty, owing to a quantity of liquor stored on the premises. This was the case considered by the Committee on the 26th, and as the name of Charles Talbot did not appear in the law reports as accused of arson, it is probable that he was discharged.

was the last person in the Store, I left at 6 P. M. and did not return again to the Store, until I heard the Alarm of Fire, I started at the first tap of the Bell,—Mr Brasseur was at the door of the Store when I reached there, and he opened the Door—I live in the same house with Mr Valliant, I see him every day—I saw him in the afternoon of the same day in the Store, he came in to change his shoes, having a pair of new ones in his hand, and requested me to take the old ones to his house Mr Valliant is still associated with Mr Brassur but has been ejected, and their difficulties are still in litigation—Never have heard any threats of violence from Mr Valliant towards Mr Brasseur.

San Francisco Nov. 25th 1852

[Signed] Charles talbot

Witnessed by [. . .]

Deposition of Jule Decase

Witness against Chas Talbot Arrested for Arson Nov 25th

By No. 1[1]

San Francisco Nov. 25th 1852.—

My name is Jule Descase: am a Frenchman 24 Years Old, born at Bordeaux—I arrived in this country in Sept. 1851. on board French Ship *Alceon*, from Bordeaux I was employed by Mr Brassur on Wednesday the 24th Nov. at 2 P. M. for a few hours only to arrange things about the Store.—I left the Store about 6 P. M. I do not know who set Fire to the Store,—I have known the person called Charle Talbot, as the only employe about the Store of Mr Brasure, for about 6 months I am employed at the manufactory in "Stockton Street,"—The only time I heard the subject of Fire mentioned, was in the evening a few minutes before my leaving the premises, Mr Brassur was drinking Absent with some friend lately arrived in the French schooner *Independence* I observed that I thought I smelt something burning—some one replied that it was only a piece of paper with which I have lighted my segar,—there was a Candle burning at the time near the Door,—Charles & myself left about 6 P. M. leaving Mr Brasur and his friends inside the Store, they consisted of four passengers and himself Mr Brassur, When I left they were smoking segars and the Candle burning—It is quite practicable to pass from the adjoining Store to the Store of Mr Brassur, by means of the Windows in the rear,—or by the Cellar,—

FINANCIAL ACCOUNTS AND VOUCHERS

CASH ACCOUNTS

Dr. J. W. **Salmon**, Treasurer, in account current with the Vigilance Committee

To private Subscriptions collected by me		$913.00
" 2 Initiation fees		10.00
" Cash handed me per Sergeant At Arms	($498.57)	494.47[*]
" Cash handed me per Sergeant At Arms	(255.18)	254.50
		$1671.97

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[*] This check mark notes a discrepancy between Salmon's figures and those of McDuffie (see p. 765). The correction is in Delessert's handwriting.

J. W. Salmon, Treasurer, in account current with the Vigilance Committee Cr.

1[*]	To paid Sergeant at Arms, as per order	$ 50.00
2	" " to Capt Wakeman, as per order, Waterpolice	50.00
3	" " Rent, as per order	400.00
4	" " Expences to Angel Island, as per order	36.50
5	" " Sargeant at Arms, as per order, a/c of salary	100.00
6	" " Capt Wakeman, as per order, Waterpolice	479.24
7	" " *Herald's* a/c Handbills, as per order	30.00
8	" " Carpenters on a/c, as per order	400.00
9	" " 1 Anchor lost, as per order	12.75
10	" " profit & loss cash short in change	1.00
11	" " Cheque favor of my successor E. Delessert, Esq.	112.48
		$1671.97

San Francisco, 7 July, 1851
[Signed] J. W. Salmon
ex Treasurer

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[*] Each expenditure, in the accounts of Salmon and Delessert, is numbered to correspond with a number assigned to its voucher, as filed by Delessert. To facilitate reference from the body of the papers, consecutive numbers have been given, by the editor, to the vouchers of Ward and McDuffee.

In printing the accounts and vouchers, it has seemed wise to supply punctuation, and to modify abbreviations, as might be necessary to avoid irritating confusion.

[1851]

Dr. **EUGENE DELESSERT**, Treasurer, in account with the Vigilance Committee

July 1	To Amt recd from Sergeant at Arms	$200.00
	" do do do	903.11
	" " " " J. W. Salmon	112.48
	" " " " Sargeant at Arms	663.50
	" " " " Sergeant at Arms	291.00
	" " " from The Executive Cte	25.00
	" " " do do	50.00
	" " " fees, Randall	185.00
	" " Donation, Flint & Peabody	100.00
	" " Charles Gulliver	100.00
	" " Roberts, No. 448	5.00
	" " " Payran	50.00
	" " Do Cahun [Calhoun?]	50.00
	" " " MacDuffee	163.69
August	" " " do	86.15
	" " " do	150.00
	" " " do	100.00
	" " " do	117.00
	" " " do	100.00
	" " Dewey, collecting dues	130.00
	" " "	112.25
	" " "	66.50
	" " "	55.00
	" " "	25.00
	" " "	30.00
	" Voluntary contributions	145.00
	" F. Pantin, 251	10.00
	" A. G. Connell, Colectg contr	276.00
	" " "	219.50
	" " "	216.00
	" " "	160.00
		$4897.18

[1851]

EUGENE DELESSERT, Treasurer, in account with the Committee of Vigilance Cr.

No.						
1	July		By	Amt	paid to J. W. Salmon	$ 1.50
2	"	10	"	"	paid to Mandot for stamp	10.00
3	"	16	"	"	Pioneer Club, as per note	58.00
4	"	14	"	"	Boat hire, as per note	192.00
5	"	19	"	"	passage A. Wright, *Cameo*, Sydney	100.00
6	"	19	"	"	trip to Sacr. as per Bill	25.00
7	"	19	"	"	Expenses in Sacramento for the arrest of B. Kay	109.00
8	"	14	"	"	Steam Tug & Co. Use of Boat	100.00
9	"	16	"	"	H. A. Cheever & Bullett, for rent	400.00
10			"	"	Expenses of Rider, Reynolds & Mc Duffee	196.50
11	"	19	"	"	Expenses to Sacramento	10.00
12	"	12	"	"	To & from Stockton by H. Howard & Oakes	36.50
13	"	5	"	"	To Clark & Simpsen, three saddles horses	15.00
14	"	23	"	"	To A. Oaksmith	17.00
15	"	19	"	"	To James R. Travers & Co carriage hire	16.00
16	"	8	"	"	Mc Duffee, services rendered	150.00
17			"	"	*Pacific Star*	33.75
18	June	28	"	"	*Herald*	21.00
19	July	5	"	"	Grover & Co. *Evening picayune*	52.00
20	"		"	"	To Geo. Shaw & Co.	60.80
21	"	3	"	"	" Gay & Mellers	46.50
22	"	8	"	"	Shirley & Bayley	31.50
23	"	10	"	"	Cook & Le Count	19.25
24	"	3	"	"	Maxham & Co. 4 Daguerreotypes	24.00
25	"	10	"	"	Taaffe & Mc Cahill	116.00
26	June		"	"	A. Wardwell	195.00
27	July	2	"	"	Gorman Elliott, Carpenter	201.84
28	"	2	"	"	Cook & Lecount	22.00
29	"	5	"	"	R. Medberg, Posting Bills	12.00
30	"	5	"	"	Boat hire	17.50
31	"	3	"	"	Clark & Simpson, carriages	25.00
						$2314.64

[1851]

Dr. **EUGENE DELESSERT**, Treasurer, in account with the Committee of Vigilance

[Corrected in pencil]*	7
	$4897.18
To Amt Reed from Dewey	35.00
" " " A. G. Connell	140.00
" " " " Cash	236.29
" " " " "	50.00
" " " Amt sale Cobb	247.63
" " " Amt sale lumbers	72.60
" " " A. G. Connell	200.00
" " " A. G. Connell	45.00
" " " I. Bluxom, Mellus	10.00
" " " do dues	5.00
" " " do dues	16.00
" " Certificates 711-349-237	15.00
" " Jessups, Collect	134.50
" " Argenti, Cert	5.00
Jessups, Cert	5.00
Wards & Bro.	10.00
Certificat 328–137	10.00
Dues	10.00
Certificats	35.00
do 127	5.00
dues	7.50
Hart, 43, Cert	5.00
Geor G. Ward collect	176.00
do do	26.00
I. Bluxome	79.00
C. Martin	10.00
Charles Case, Certs	5.00
I. Bluxome	230.00
	$6622.75
[Corrected in pencil]*	$6622.70

---

* Delessert altered, in pencil, the amount forwarded, making it one hundred dollars less than the footing of the preceding page. This justified the total of $6622.70, but left a discrepancy in his accounts.

6

EUGENE DELESSERT, Treasurer, in account with the Committee of Vigilance Cr.

					$2314.64
32	July 10	By	Amt	paid to Clark Simpson & Co.	25.00
33	" 8	"	"	Bills [boat] hire	20.00
34	June 26	"	"	*Herald*	30.00
35	July 21	"	"	Geo. Hopkins, passage money	100.00
36	" 8	"	"	Bailey & Gilbert	43.50
37	" 8	"	"	G. Pfiestor, services for commtee	50.00
38	" 22	"	"	H. Miller, traveling expenses	100.00
39	" 28	"	"	McDuffee fees	234.44
40	Aug. 11	"	"	Steamer *Ohio*, passage sheriff	135.00
41	Aug. 20	"	"	Oscar Smith	160.25
42	Sept. 11	"	"	Carriage hire	50.00
43	" 13	"	"	Passages money for prisoners	225.00
44	" 13	"	"	Bullitt, Patrick & Dow	300.00
45	" 17	"	"	Geo. Whitney, tables	10.00
46	July 8	"	"	E. H. Jones & Co.	20.50
47	Sept. 16	"	"	*California Courier*	25.00
48	Aug. 2	"	"	*Alta California*	18.00
49	July 21	"	"	Oriental Hotel	200.00
50	Sept. 23	"	"	Geo. Pfiestor, servant	10.00
51	" 25	"	"	Oakley, fees	100.00
52	" 26	"	"	*Morning post*	37.00
53	July	"	"	Geo. Shaw & Co	52.40
54	Sept. 25	"	"	Geo. Pfiestor, servant's fees	137.00
55	July 12	"	"	Johnson & Co., Horses hire	20.00
56	Sept. 25	"	"	Bluxome, candles	17.32
57	July 14	"	"	Gay & Mellers	49.50
58	" 16	"	"	Club House, Gin & brandy	58.00
59	" 2	"	"	Baker & Messerve	35.60
60	Aug. 5	"	"	Taaffe & McCahill	26.00
61	Oct. 15	"	"	I. Bluxome, secretary's fee	100.00
62	Sept. 29	"	"	Ryan & Duff	45.00
					$4749.15

[1851-1852]

Dr. **EUGENE DELESSERT**, Treasurer, in account with the Committee of Vigilance

$6622.75

$6622.75

[1851–1852]

EUGENE DELESSERT, Treasurer, in account with the Committee of Vigilance Cr.

				$4749.15
63	Nov. 11	By Amount	pd to Wood & Cook	50.00
64	" 14	" "	Ch. Bertrand	21.00
65	" 25	" "	S. Rosenthal	4.20
66	Oct. 21	" "	Middleton, 2 months rent	110.00
67	Nov. 24	" "	Rent	50.00
68	" 24	" "	Do	100.00
69	Jan. 5	" "	J. D. Bluxome, candles	7.00
70	Sept.	" "	*Herald*	50.00
71	Oct. 1	" "	Do.	9.00
72	" 13	" "	Do	6.00
73	Nov. 19	" "	Green & Bowsman, carriage	35.00
74	July 23	" "	E. Bowen, trip to Saucelito	11.00
75	Sept. 5	" "	G. H. Mallett, horse hire	45.00
76	July 18	" "	Boat hire	5.00
77	" 18	" "	Do	18.00
78	Oct. 22	" "	G. D. Bluxome, candles	18.40
79	Nov. 15	" "	Case, Heiser & Co.	16.00
80	Sept. 30	" "	Baker [&] Messerve	33.00
81	Oct. 21	" "	Boat hire	12.00
82	" 15	" "	Cook & Lecount	46.00
83	Oct. 7	" "	Do Do	38.63
84	Nov.		Differentes commiss. for collecting	163.50
85	Jan.		Certificates of membership	150.00
86	Sept.		boat hire as per Bill	145.00
87	" 19		boat hire do do	133.00
88	Nov. 6		boat hire do do	98.00
89			Oakley, Sergt at arms	130.00
90			do do	50.00
91	Sept. 22		Gavett, Girandole	30.00
92			I. Bluxome, fees	200.00
93			Safe for the committee	40.00
				$6572.88

[Annotated:] Correct to this date Feby 11/52
[Signed] Geo. R. Ward

Dr. EUGENE DELESSERT, Treasurer, in account with the Committee of Vigilance

				$6622.75
Feb.	12	To Amt Recd of Geo. Ward		30.00
"	"	" " " I. Bluxome		12.00
"	26	" " " J. R. Ward, collect		221.00
"	"	" " " do do		60.00
"	"	" " " Pulaski Jacks		225.00
"	27	" " " do do do		50.00
"	"	" " " do do do		50.00
"	"	" " " do do do		55.00
"	"	" " " Oakley		45.67
"	28	" " " do by Bluxome		12.50
		Brought over		$7383.92
		Due to the Treasurer		317.88
		" Different Lawyer	1500.	
		Bills, Ellis	100.	
		" Bluxome	100.	
		" "	50.	
		Due	$1750.	
				$7701.80

Brought over	$7383.92
G. Warde	25.00
No. 345 [Jas. Murray]	60.00
I. Buxome	102.50
Balce due E. Delessert	220.38
	$7791.80

San Fco 1st April 1852
[Signed] Eug. Delessert
Treasurer

Eugene Delessert, Treasurer, in account with the Committee of Vigilance

			Cr.
			$6572.88
94		Sargeant at arms	25.00
95		Millen Griffeths, steam tug	125.00
96		*Piccayune*	14.50
97		Rent, feby	50.00
98		To Oakley Sergt at Arms	100.00
98		" "	71.00
98		" "	45.67
98		" "	50.00
98		" "	40.00
98		" "	50.00
98		" "	150.00
98		" "	20.00
98		" 816 Service up to 24th Jany	252.50
98		" Bluxome	12.50
99		Woodworth trip to San Jé	42.00
100	March	Water Bill	16.75
101	"	Gay & Mellus	44.00
102	"	Cook & Lecounte	20.00
			$7701.80

[Annotated:] Correct to No. 102
[Signed] Geo. R. Ward

	Brought over	$7701.80
103	Zabreski parchment Certf.	20.00

[Annotated:] Correct March 17 1852
[Signed] Geo. R. Ward

Mars 20	To Book Binder	20.00
25	Rent	50.00
		$7791.80

Dr. The Committee of Vigilance in account with GEO. R. WARD, Treasurer

April	5	By Cash of Capt Isham, 1 certif	$ 5.00
"	15	" " " T. Gihon, 1 certif	5.00
"	17	" " " Jacks, collected	25.00
May	3	" " " Dr. Haine, 1 certif	5.00
"	5	" " " E. S. Moorhead, 1 certif	5.00
"	5	" " " Secy dues	30.00
"	8	" " " S. P. Goodale, 1 cert	5.00
"	11	" " " J. Murray, Vel Cert	25.00
"	12	" " " G. H. Howard, dues 1 May	10.00
		" " " H. F. Teschmacher, dues 1 May	10.00
		" " " Wm Hart, dues to 1 May	5.00
		" " " Col Stevenson, due to 1 May	5.00
"	12	" " " C. R. Bond, dues to 1 May	12.50
		" " " C. R. Bond, 1 cert	5.00
		" " " S. L. Dewey, 1 cert	5.00
"	13	" " " Col. Turner, 1 cert	5.00
		" " " F. Iken, 1 cert	5.00
		" " " F. Franck, 1 cert	5.00
		" " " J. Delong, 1 cert	5.00
		" " " J. Dunglison, 1 cert	5.00
		" " " Dr. Haine, dues 1 May	5.00
		" " " L. D. Kinney, dues 1 May	5.00
		" " " W. Hazelden, dues 1 May	3.00
		" " " W. H. Patten, dues 1 May	3.00
		" " " A. C. Wakeman, dues 1 May	10.00
		" " " L. Maynard, dues 1 May	7.50
		" " " J. King of Wm, dues 1 May	7.50
		" " " Wm. Thompson, dues 1 May	15.00
		" " " C. B. Loomis, dues 1 May	10.00
"	19	" " " S. L. Dewey, dues 1 May	5.00
		" " " J. M. Swift, dues 1 May	12.50
		" " " V. J. Fourgeaud, dues 1 May	20.00
May	19	By J. F. Curtis, dues to 1 May	10.00
"	19	" L. W. Sloat, dues to 1 May	5.00
June	21	" E. Kirkus, certif *not paid*	5.00
July	14	" Balance due Treas	4.38
			$310.38

The Committee of Vigilance in account with GEO. R. WARD, Treasurer Cr.

May 12	To Cash pd rent to	$ 50.00
" 19	" " E. Delessert, balance due him as Treasurer see account	220.38
June 2	To Cash paid Rent to date	25.00
17	" Cash paid Mrs. S. E. Cole	15.00
		$ 310.38

Dr. The Committee of Vigilance in account with GEO. R. WARD, Treasurer

Sept. 25	" De Behr* certif	5.00
Nov. 24	" T. H. Stevens* certif	5.00
	" C. H. West certif	5.00
		15.00
		325.00
		340.00

		Cr.
July 14	To Bce due Treasr	5.38
Oct. 17	" Cash pd J Murray for expenses of moving	10.00
	" " not paid by E. Kirkus see credit of June 21	5.00
		20.38

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*These names do not appear in the list of members.

Memorandum of Cash Account, Including all Cash Received, and all Cash Expended, by A. J. McDUFFEE, Sergt. at Arms, for Account of the Vigilance Committee, to June 26, 1851. Inclusive.

Debit Cash	
To Recd from the Treasurer	$ 50.00
“ Recd from three hundred and six (306) members, Innetiation fee of 5.$ each	1530.00
	$1580.00

Memo.

Mr. Wardell's Bill for 2½ doz. Lamps & 1 chair, amounting to $165.00, has not been paid, which is the only outstanding account contracted for by me. A. J. McD.

There are 518 members, 306 have paid 5$, which leaves 5$ due from each of 212 members, unpaid.

A. J. McDUFFEE, Sergeant at Arms, in account with Committe of Vigilance, San Francisco July 27th 1851

Debit	
To Cash Received of 477 Members for June Innetiation Fees @ 5$	$2385.00
“ “ Received of 73 Members for July Innetiation Fees @ 5$	365.00
“ “ Received of 216 Members for July Dues @ 5$	1080.00
“ “ Received of 20 Members for Fines @ 5$	100.00
“ “ J. W. Salmon Treasurer	50.00
“ “ Recd of J. L. Folsom for S. R. Church	30.00
“ “ Recd of Hetherington for Expenses	20.00
“ “ Recd Extra Monthly dues	15.00
	$4045.00

There is now due and unpaid June Innetiation Fees from 71 Members @ 5$	355.00
There is now due July Innetiation fees from 9 Do 5$	45.00
There is now due July Assessment from 336	1680.00
Total Amt due not including Fines	2080.00

[1851]

Memorandum of Cash Account, Including all Cash Received, and all Cash Expended, by A. J. McDuffee, Sergt. at Arms, for Account of the Vigilance Committee, to June 26, 1851. Inclusive.

		Cash Credit
To Paid in the hands of the Treasurer, per order,		
Current coin	$406.98	
Uncurrent do	95.00	
	501.95	
Said money recd as		$498.57
" Paid sundry Bills & for sundries as per Cash Book		826.25
Balance on Hand		255.18
		$1580.00

San Francisco, June 26th, 1851

[Signed] A. Jackson McDuffee
Sergt at Arms

Approved [Signed] R. S. Watson, Geo. R. Ward, J. W. Salmon, Eug. Delessert, Wm. H. Jones, Finance Committee

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A. J. McDuffee, Sergeant at Arms, in account with Committe of Vigilance, San Francisco July 27th 1851

					Credit
June 20	By Cash	Paid		J. W. Salmon, Treasurer	$ 498.57
" 26	"	"	"	J. W. Salmon, Treasurer	255.18
" 26	"	"	"	Sundry Bills and room Expenses as approved by Finance Comt	826.25
July 8	"	"	"	E Delessert, Treasurer	663.50
" 19	"	"	"	E Delessert, Treasurer	200.00
" 23	"	"	"	E Delessert, Treasurer	903.11
" 26	"	"	"	E Delessert, Treasurer	291.00
	"	"	"	George his Services on a/c	60.00
	"	"	"	Sundry Bills to this date as approved by Finance Comt	112.95
	Balance on Hand				234.44
					$4045.00

San Francisco July 27th 1851
[Signed] A. J. McDuffee
Sergeant at Arms

REPORTS OF THE TREASURER

EUGENE DELESSERT, Treasurer, in account with Committee of Vigilance,
San Francisco, July 28th, 1851

Debit

To Cash Received of Salmon		$112.48
" " " Sargeant at Arms		200.00
" " " do do		903.11
" " " do do		663.50
" " " do do		291.00
		$2170.09
" " Advanced by the Treasurer		513.05
	E. E.	
		2683.14

Bills Due on Hand

1	Oriental Hotel	$200.00	
2	*Herald*	11.25	
3	Boat Hire	288.00	
4	Boat Hire	5.00	
5	Gay & Mellus, cheeses &c	49.45	
6	Green & Brown, horses	30.00	
7	E. H. Jones, Esq.	23.50	
		607.20	
	Due to the Treasurer		$513.05
	Due to Divers		607.20
	Amount due		$1120.25

Jail Funds

Received from 131 members	$4385.00
[Annotated:] Sept. 8th	4484.00

San Francisco, 29th July, 1851

[Stamp] Eugene Delessert, Treasurer

Statement of the Treasurer

Bills due

Boatmen		$401.00
Mr Malony & friends, travelling expenses to Marisville		150.00
Carpenter		44.50
Carriage		15.00
Gay & Mellus, different Bills		95.40
Morning post		37.00
Herald		58.00
Taaffe & MacCahill		26.00
Schmith, expenses to Sonora	*paid*	160.25
Jones		20.50
Oriental hotel		200.00
Herald		11.25
Gay & Mellus		49.45
Boat hire		5.00
Green & Brown		30.00
Boat hire		139.00
Baker & Messerve		35.00
Bowen, expenses to Sa[ucelito]		11.00
Rent		300.00
		$1788.35
By Cash in hand		491.79
Amount of Bills due		$1296.56

San Francisco, 9 September

[Signed] Eug Delessert, Treasurer

Jail funds amount to $4484.00

[1851]

Dr. EUGENE DELESSERT, Treasurer, in account with the Committee of Vigilance

Sept 13—51

	To Cash of the Executive Committee	$ 73.00
	" " July fees & fines, of Randall	185.00
	" " presented by Flint & Peabody	100.00
	" " presented by C Gulliver	100.00
	" " of 448, Mr Roberts	5.00
	" " presented by Mr Chauviteau	50.00
	" " presented by D Cahoon	50.00
	" " presented by E. Delessert	200.00
	" " July dues & fines, of McDuffie	163.00
	" " Aug dues & fines	86.15
	" " dues & fines	150.00
	" " July dues & fines	100.00
	" " Aug dues & fines	100.00
		$1364.84

Sept. 13	To Cash on hand	$351.54

E. E. San Francisco Sept 13th 1851

[Signed] Eug Delessert
Treasurer

		Cr.
July 29	By Balance due on old a/c	$513.05
	" Cash pd Expenses of Sheriff of San Diego	135.00
	" Cash pd on a/c Bill of Oriental	5.00
	" " " Oscar Smith for Travelling Expenses	160.25
	" " " Carriage hire to Petrovitz by resolution of Genl Com	30.00
	" " " Boat hire in a/c No 3 [E. Gorham]	130.00
	" " on hand	351.54
		$1364.84

VOUCHERS OF THE TREASURERS AND THE SERGEANT-AT-ARMS

Vouchers of J. W. Salmon, Treasurer

1

$50

J. W. Salmon Esq., Treasurer

Please pay A. J. MacDuffee, Sergeant-at-Arms, Fifty Dollars to be accounted for by him

[Signed] J. D. Stevenson, Geo. R. Ward, R. L. Watson, Committee on Finance

June 10th, 1851

[2 is missing.]

3

$400

Recd of J. W. Salmon, Four Hundred Dollars, for 1 month's rent of Committee rooms over Stores of Bullitt, Patrick & Dow & H. A. Cheever San Francisco, June 17/51

[Signed] H. A. Cheever
" B Hall

4

The Treasurer is authorized to pay the sum of Thirty Six 50/100 Dollars for expenses for four boatmen and refreshments for ten of Committee to Anjel Island

$36 50/100 San Francisco 19 June 1851

[Signed] Wm. H. Jones, Geo. R. Ward, Finance Committee

5

$100

J. W. Salmon Esq., Treasurer:

Please pay to A. J. McDuffie Esq., Sergeant at Arms, One Hundred Dollars on a/c of his services

[Signed] R. S. Watson, Geo. R. Ward, Wm H. Jones, Eug Delessert, Finance Committee.

[Endorsed:] Received the within amt. of One Hundred Dollars of J. W. Salmon, Treasurer. [Signed] A. Jackson McDuffee

June 26, 1851

6

Boat hire

Sunday—Boarding Bark *Chief* & going down the Harbour	$5.00
Monday—A cruise to North beach and to the *Polk* during night	10.00
White Squall North beach and to the *Polk* during night	10.00
Tuesday—2 Cruises	5.00
Thursday—All day & all night	32.00
Friday—All day & all night	32.00
Sunday—One Cruise	5.00
Sunday night—11 Boats	176.00
Monday night—7 Boats	112.00
Rent of Schooner for 2 days	32.00
Provisions for Schooner actually used	50.24
Sundries expended at various times	10.00
	479.24

San Francisco 23 June 1851. Recommended to Finance Committee by E. Wakeman, Capt. of Water polise

Approved [Signed] R. S. Watson, Wm. H. Jones, Eug. Delessert,
Finance Committee

Received by checque on James King of Wm.
[Signed] E. Wakeman

[Annotated:] Mr. Salmon: Mr. Leffray[?] leaves to night at 4 O'Clock in the *C. M. Weber*

7

San Francisco June 25, 1851

Vigilance Committee To *San Francisco Herald*, Dr.
for 1000 Notices $30.00

Recd Payment Nugent & Co.,
pr Moulthrop

8

[See No. 27.]

9

San Francisco, June 26, [illegible]

Mr. W. W. Baker For the "Committee of Vigilance"
85 lb Anchor 15 cts $12.75

Approved by [Signed] Wm W Baker
Recd pay [Signed] Buckley & Morse

VOUCHERS OF EUGENE DELESSERT, Treasurer

1

Paid to J. W. Salmon, late treasurer, for a book	$1.50

[Signed] Eug D.

2

Committee of Vigilance, Dr. to Mandot

For 1 stamp & accessories	$10.00

San Francisco, July 10th 1851.
Rec'd Paym't [Signed] Mandot
Kearney St.

3

[Recorded in the treasurer's book as Pioneer Club House, $58.00. This seems to be for the same item as voucher No. 58.]

4

Committee of Vigilance To J. Sullivan Dr.
For Boat Hire

Jenny Lind ¾ day	$12.00
‘‘ ‘‘ 3 Trips	15.00
Stag Hound 1 trip	5.00
Empire state 2 trips	10.00
do do 1 day	16.00
do do 1 trip	5.00
Typhoon 1 day	16.00
American Boy 1 Trip	5.00
‘‘ ‘‘ 1 Trip	5.00
Two Brothers 1 Trip	5.00
American Boy 1 Trip	5.00
Typhoon 1 Trip	5.00
	104.00
As per Curtis Bill provisions &c &c Expedition to ‘‘Farallones’’	63.00
For Refreshments, Boat Hire &c	25.00

Correct [Signed] Edgar Wakeman
San Francisco July 14th 1851
Approved [Signed] Wm H Jones, Geo R. Ward, Geo J Oakes,
Committee of Finance
Received the above amount, 192$ [Signed] John Sullivan

5

Received, San Francisco, July 18th, 1851, from the Vigilance Committee, through the hands of Mr A. Oaksmith, One Hundred Dollars, for the passage of Alexander Wright, above named, to the Port of Sydney, N.S.W.

$100 00/100 [Signed] P J O C White

6

$25 Ex. Committee room, San Francisco, July 19th, 51

Please pay Bearer Twenty five dollars, being amo. passage money of a witness from Sac. city & back in Stuarts Case—

[Signed] G. W. Ryckman, Pres. pro tem
" J. C. L. Wadsworth, Secty. pro tem

To E. Delessert, Esq. Treas. Comm. of Vigilance

Approved [Signed] Geo R. Ward, Geo. J. Oakes, James C. L. Wadsworth

7

Sanfrancisco, July 19th/51

Vigilance Committee To Haven & Corrigan Dr.

Expenses to Sac. City for the arrest of B. Kay & others

S. L. Haven, paid by him		$57.00	
P. Corrigan	do	52.00	$109.00

5 days duty

By order of Ex. Committee [Signed] Wm. C. Graham, Secty

[Signed] James C. L. Wadsworth, Geo. R. Ward, Geo. J. Oakes, Committee on Finance

8

San Francisco, July 14th

Vigilance Committee To Steam Tug Co. Dr.

for use of Boat $100.00

Approved [Signed] Wm H Jones, Geo. R. Ward, Eug Delessert.

Recd Paym [Signed] Millen Griffith

9

San Francisco, July 16th, 1851

Members Vigilance Committee To H. A. Cheever & Bullitt, Patrick & Dow Dr.

For Rent of Lofts, 1 Month in advance, to August 16th, 1851, $400.00

Approved [Signed] R S Watson, Geo. R. Ward, E. Delessert, Committee on Finance

Recd Payment [Signed] H. A. Cheever & Co.
for H A Cheever & B. P. & Dow

10

Expenses of Rider, Reynolds & McDuffee
Special Duty

Fare of 3 to Stockton	30.00
6 Meals & Extras on board	12.75
1 Pr. Handcuffs	1.00
Bill at Stockton House	11.50
Wisconsin House	1.50
Dents Ferry	8.50
Chinees Camp	5.00
Wood Diggins	6.00
5 Suppers at Sonora	4.50
5 Breakfasts	3.75
Lodgings	2.00
Dinners	4.00
Horse Keeping & Sundries	6.00
Bill at Dents ferry	8.00
Stockton House	3.00
Horses & Carriage	66.00
Fare down	20.00
2 Suppers	3.00
	$196.50

Correct [Signed] Wm C Graham, Secty Ex. Committee
[Signed] Eug Delessert, Wm. H. Jones, Geo. R. Ward, J. C. L. Wadsworth.
Received the above [Signed] A. J. McDuffee

11

S. Francisco, July 19./51
The Vigilance Committee of San Francisco To J. W. Cartwright
For incidental expenses on Trip to Sacramento & back $10.00
[Signed] E Delessert, Wm. H. Jones, Geo. R. Ward, J. C. L. Wadsworth.
Recd Payt [Signed] J. W. Cartwright

12

San Francisco, July 12th, 1851
Vigilance Committee Dr.
For expenses incurred by Geo. H. Howard & Geo. J. Oakes to & from Stockton by order of the Ex. Committee $36.50
Approved [Signed] Geo. R. Ward, Geo. J. Oakes, Wm. H. Jones
Committee on Finance.
Recd Payment [Signed] Geo. J. Oakes

13

Vigilance Committee to Clark & Simpson Dr.
1851, July 5th, To Three Saddle Horses @ $5, $15.00
Approved [Signed] C. H. Brinley, Secy. Ex. Com.
Approved [Signed] Geo. R. Ward, Wm. H. Jones, Geo. J. Oakes,
Committee
Recd Pay't Clark & Simpson
pr Clapp

[Annotated:] for Stewart

14

San Francisco, July 23d/51

Vigilance Committee To A. Oaksmith Dr.
for following disbursements made by him on the *Cameo* Expedition-viz

July 17.	2 Bottles Brandy & I Bundle Segars	6.00
18.	Provisions & refreshments for 2 Parties of 6	7.00
19 & 20	do do do do	4.00
		$17.00

The above party were on duty five days and five nights and consisted of six men.

Approved [Signed] Eug Delessert, Wm. H. Jones, Geo. R. Ward,
J. C. L. Wadsworth.
Recd payt [Signed] A Oaksmith

15

Captain King To James R. Travers & Co.
1851, July 19th, To Carriage Hire for Mrs Hogan $16.00
[Signed] Eug Delessert, Geo. R. Ward, J. C. L. Wadsworth.
[Signed] John Crowe & Travis

[Annotated:] paid by MacDuffie.

16

San Francisco, July 8th 1851. Recd. from E. Delessert, Treasurer, One Hundred and fifty Dollars on account of Services rendered the Committee of Vigilance

$150 [Signed] A. Jackson McDuffee
Approved [Signed] J. C. L. Wadsworth, Geo. R. Ward,
E. Delessert.

17

Vigilance Committee To *Pacific Star* Dr.

To Advertisement (Vigilance Committee Room)	5.62^{2}
" " Reward 4 lines	28.12^{2}
	$33.75

Approved [Signed] J. C. L. Wadsworth, Geo. R. Ward, E. Delessert.
Recd Payment [Signed] Sutherland, Rust & White

The above amount is presented by the *Pacific Star* Office towards the completion of the County Prison. S. R. & W.

18

San Francisco, June 28th, 1851

Committee of Vigilance To *San Francisco Herald*

		Dr.
June 25	to Card "Gallagher" ¾ sqr	2.25
" 28	" Notice to Members ¾ sqr 3 times	4.50
		$6.75
July 4	Notice to Members ¾ sq	2.25
" 9	Resolutions &c 2 sqr. 3 times	12.00
		$21.00

Approved [Signed] J. C. L. Wadsworth, E. Delessert, Geo. R. Ward.
Recd Payment Nugent & Co.
pr Moulthrop

19

San Francisco, 5 July, 1851

Committee of Vigilance To Grover & Co., *Evening Picayune* Office, Dr.

July 5	Ad. Notice of Meeting 1 sq. 1 t.	$2.00
" 7	Ad. Notice & resolution 2½ sq. 1 m.	50.00

Approved [Signed] J. C. L. Wadsworth, Geo. R. Ward, E. Delessert.
Paym't received in full—am't to be appropriated to Prison Fund
[Signed] S. C. Russell

20

Committee of Vigilance Bot of Geo N Shaw & Co.

1851, July, 6 Boxes Candles, 72 lbs @ 40c	$28.80
10 Tins Crackers @ $2.00	20.00
	$48.80
6 Tins do @ $2.00	12.00
	$60.80

Approved [Signed] Geo. R. Ward, Wm. H. Jones, E. Delessert.
Recd Payt Geo. N Shaw & Co.,
pr John Gray

21

A. J. McDuffee of Committee Room Bot of Gay & Mellus

McD.	1 Tin Mocha Coffee, 10 lbs	35	3.50
Com.	6 Cheeses, 58 lbs less 6—52	25	13.00
McD.	5 Galls Pale Brandy	6	30.00
			$46.50

San Francisco, July 3, 1851
Approved [Signed] Geo. R. Ward, Wm. H. Jones, Eug Delessert.
Recd Payt [Signed] Gay Mellus

22

San Francisco, July 8th, 1851

Vigilance Committee Bought of Shirley & Bayley

2 Ewers & Basins	12.00
½ Dozen Tumblers	2.50
2 Water Pitchers	8.00
1 Dz Coffees	7.00
½ Dz Plates	2.00
	$31.50

Approved [Signed] Geo. R. Ward, Wm. H. Jones, E. Delessert.
July 14th/51 Recd Payment [Signed] Shirley & Bayley

23

San Francisco, July 10, 1851

The Vigilance Committee To Cooke & LeCount Dr.

2 Rms. Cap paper @$7	$14.00
4 Memo. Books @75	3.00
1 Memo. Book	.75
1 doz. lead pencils	1.50
	$19.25

Approved [Signed] Geo. R. Ward, Wm. H. Jones, Eug Delessert.
Recd Payment Cook & LeCount
pr. John H. Bolton

24

Vigailance Committy To Maxham & Co. Dr.
For Four Daguerreotype Miniatures $24.00
San Francisco, July 3d, 1851
Approved [Signed] Geo. R. Ward, Wm. H. Jones, Geo J Oakes,
Committee
[Signed] Maxham & Co

[Annotated:] McDuffee

25

San Francisco, July 10th, 1851

Messrs Committe of Vigilance Bought of Taaffe & McCahill

4 Dz Towels	@ 4$	$ 16.00
25 pr Blankets	@ 4$	100.00
		$116.00

Approved [Signed] Geo. R. Ward, Wm. H. Jones, E. Delessert.

Recd from Mr Delessert one Hundred & Sixteen Dollars on a/c of the Vigilance Committee in full

$116.00 [Signed] Taaffe & McCahill

San Francisco, July 11th, 1851

26

The Com of Vigilance To A. Wardwell

		Dr.
1851, June,	For One Arm Chair	60.00
	2½ Doz Solar Lamps @ $42	105.00
	Use of Furniture	30.00
		$195.00

[Signed] McDuffee

Approved [Signed] Geo. R. Ward, Wm. H. Jones, Geo. J. Oakes,
Committee

Recd Payment [Signed] A. Wardwell

27

San Francisco—June 26th, 1851

Vigilant Committee to Gardner Elliot

		Dr.
1851, June 17	For 6 days work fitting up room & Benches @ $10.00	60.00
" " "	1892 ft. of Lumber @ 5½ cts	104.06
" " "	3 Doors @ $3.50	10.50
" " "	1 Cask of nails	8.00
" 18 "	7 days work @ $10.00	70.00
" " "	704 ft of Lumber @ 5½ cts	38.72
" " "	3 Locks @ $3.50	10.50
" " "	1 Bell & fixtures	5.25
" " "	3 Pairs of Butts @ 25 cts	.75
" 19 "	3½ days work on table & Desk &c.	35.00
" " "	1 Handle & latch, Butts & Hooks	1.25
" " "	264 ft. of Lumber @ 5½ cts	14.52
" 20 "	3½ days work @ 10.00	35.00
" " "	1167 ft. of Lumber @ 5½ cts	64.18
" " "	1 Door	3.50
" 21 "	3 days work on Rooms & Privy @ $10.00	30.00

No. 27 (continued) Forward				*$491.23*
[June	21	For]	3½ days work at shop on Benches @ $10.00	35.00
"	"	"	3 Carting @ $1.50	4.50
"	"	"	2 Doors, 1 Lock & Handle & latch	11.50
"	"	"	873 ft. of lumber @ 5½	48.01
"	"	"	20 ft. of joist	1.10
"	"	"	1 Window	3.00
"	"	"	20 lbs. of wrought nails @ 25 cts	5.00
"	26	"	¼ days work putting up spout	2.50
				$601.84

Approved [Signed] R. S. Watson, Geo. R. Ward, Eug Delessert,
Finance Committee

Recd on a/c Four Hundred dollars. S[almo]n per Co.
2 July 1851 [Signed] G. Elliot

[Annotated:] $400 paid by Salmon, [Voucher] No. 8 201.84
Rec payment in full [Signed] G. Elliot

28

San Francisco, July 2, 1851

The Committee of Vigilance Bot of Cooke & LeCount

1 Ream Cap paper	$6.00
½ Ream Post Paper	3.00
1 paper Clip	2.00
1 Box Congress Pens	2.50
½ doz. holders	.75
1 letter stamp	1.50
1 Box wafers	1.00
4 Packs of Official Envelopes	3.00
2 Packs of letter Envelopes	.75
Tape	.75
Sealing Wax	.75
	$22.50

[Signed] McDuffee
Approved [Signed] Geo R Ward, Wm. H. Jones, Geo. J. Oakes,
Committee
Recd Payment [Signed] Cooke & LeCount

29

San Francisco, July 5th, 1851

Vigligence Committee To E. R. Medberg	Dr.
To Posting 200 Bills	$12.00

Approved [Signed] Geo. R. Ward, Wm. H. Jones, Geo J. Oakes,
Committee.
Recd Payment for E. R. Meberg [Signed] J. L. Moulthrop

30

Mr McDuffie
Pay to Bearer for Boat hire for Committee $17.50
[Signed] A. J. Ellis
Recd the above amt. [Signed] Charles A. Wilson

31

Vigelance Committee to Clark & Simpson Dr.
1851, July 5th, To Carriage & driver $25.00
Approved [Signed] C. H. Brindley, Secy. Ex. Com.
Approved [Signed] Geo. R. Ward, Wm. H. Jones, E. Delessert.
Recd Payt Clark & Simpson
pr Clapp

32

Vigelance Committee To Clark & Simpson Dr.
1851, July 10th, To Hire of Horses & Carriage $25.00
Approved [Signed] Geo J Oakes, Geo. R. Ward, Eug Delessert,
Committee on Finance
Recd payt Clark & Simpson
pr Clapp

33

July 8, 1851. Received from E. Delessert the sum of Twenty Dollars in full for two Bills of Boat Hire for Vigilance Committee.
$20.$ [Signed] Harald Hanson

Finance Committee, V. C.
Please pay bearer Ten dollars for passage to Bark *John Potter* and back
[Signed] J. C. Treadwell, George H. Blake, Jas. S. Wethered.
San Francisco, July 3d, 1851
Approved [Signed] Geo R Ward, Wm. H. Jones, Geo. J. Oakes,
Committee

Sergeant McDuffee
Please pay bearer (Boatman) for taking off 5 men & bringing back 5 from *John Potter*. [Signed] C. H. Brinley, 3d July.
Approved [Signed] Geo. R. Ward, Wm. H. Jones, Geo. J. Oakes,
Committee
$10.$ Three men

34

San Francisco, June 26th, 1851

Committee of Vigilance To *San Francisco Herald*, Dr.

200 Extra Large Posters in English, French, German & Spanish $30.00

Pay [Signed] R. S. Watson, Geo. R. Ward, Eug Delessert, J. W. Salmon, Wm. H. Jones, Finance Committee

Recd Pt for Nugent & Co [Signed] L. O. Putnam.

[Annotated:] Information

[It is probable that these posters advertised the reward of $5,000 offered for the arrest and conviction of incendiaries.]

35

$100.00

$100. One Hundred Dollars recd from treasurer & paid Captn Wakeman to defray passage &c of George Hopkins,

[Signed] Geo. R. Ward, July 21, 51

Approved [Signed] Eug Delessert, J. C. L. Wadsworth, Geo. R. Ward.

36

San Francisco, July 8th, 1851

Vigilance Comee Bot of Bailey & Gilbert

1 Barrel Bleached Oil 30 gals @ 1.45 43.50

Approved [Signed] J. C. L. Wadsworth, Geo. R Ward, E. Delessert.

Recd pyt [Signed] Bailey & Gilbert

37

San Francisco, July 8, 1851

Received from E. Delessert, Treasurer of the Committee of Vigilance, Fifty Dollars on A/c of Services for Committee

$50.00 [Signed] G. Pfiester

Approved [Signed] J. C. L. Wadsworth, Geo. R Ward

38

San Francisco, July 22, 51

The Committee of Vigilance To C. H. Miller Dr.

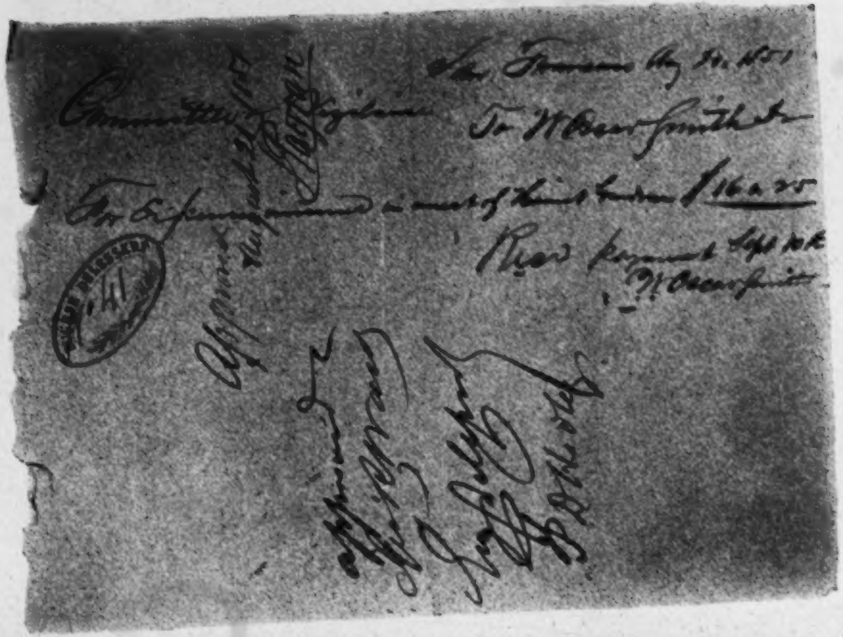
for Cash expended by him in going to and returning from Sacramento City three times for the purpose of aresting Jimmy from Town, Dab, Ainsworth & Geo. Adams. $100.00

pr order of the Executive Committee

[Signed] G. W. Ryckman, Chr. pro tem

" Wm. C. Graham, Secty.

Approved [Signed] Geo. R. Ward, E. Delessert, J. C. L. Wadsworth, Geo. J. Oakes.



San Francisco Aug 30. 1851

Committee of Vigilance

To W. Oscar Smith Dr

For Expenses [illegible] in search of [illegible] $16.25

Recd payment Sept 1st [illegible]

W. Oscar Smith

Approved [illegible]

FACSIMILE OF A VOUCHER.

39

$234.44 San Francisco, July 28, 1851

Received of E. Delessert, Treas, Two hundred and thirty four Dollars 44/100 on account of Services

[Signed] A. J. McDuffee

Approved [Signed] Geo. R. Ward, E. Delessert, J. C. L. Wadsworth.

40

Vigilance Committee To Steamer *Ohio* Dr.

To Passage of Sheriff & Deputy for S. Barbara 100.00

" Whittaker 35.00

$135.00

This bill is allowed & the Finance Committee will request the Treasurer to pay it, by order of the Executive.

Aug 12/51 [Signed] S. Payran, Presdt. of Ex. Com.

Approved [Signed] Geo. R. Ward, Eug. Delessert, J. C. L. Wadsworth.

[Annotated:] paid E. D.

Recd payment [Signed] J. O. Wilkinson, Purser

[This voucher, missing from the files, is reprinted from the facsimile reproduced in Bancroft's *Popular Tribunals*, I, 338.]

41

San Francisco, Aug 20, 1851

Committee of Vigilance To W. Oscar Smith Dr.

For Expenses incurred in arrest of Harriet Gardner $160.25

Approved August 21, 1851 [Signed] S. Payran

Approved [Signed] Geo. R. Ward, Eug Delessert, P. D. Hedley.

Recd payment, Sept 10th [Signed] W. Oscar Smith

42

Vigilance Committee To John Crow Dr.

To Hack hire for Fanny Seymour, on two occasions $35.00

San Francisco, July 29, 51

Capt. Tuffts

Vigilance Committee To Crow & Travis Dr.

For Carriage services on Saturday, 26th and Sunday, 27th $35.00

San Francisco, Aug 2nd, 1851

San Francisco, Sep 11th, 1851

Vigelence Committee to Crowe & Travis Dr.

for Carriage hire, the sum of fifty dollars $50.00

Approved by the whole committee on the 9th Sept, 1851

Recd the above sum from Mr Dellesert [Signed] J. R. Travis & Co.

43

I promise to pay at Sight the sum of two hundred & twenty five dollars for acct. of the committe for passage Money of different prisoners

$225.00 [Signed] Eug Delessert, Treasurer

San Fco 13th Sept 1851

Recd payment [Signed] James Harries [?] Master Brig *Zone*

By Resolution approved [Signed] Geo. R. Ward, E. Delessert.

44

San Francisco, Septbr 13, 1851

Vigilance Committee Bought of Bullitt, Patrick & Dow

1 Month's Rent of Rooms occupied by them from August 18 to Septbr 18, 1851	$400.00
Off, presented by Mr W. H. Dow, W. N. Bullitt & H. R. Cheever	100.00
	$300.00

Appd [Signed] Geo R Ward

Recd Payment Bullitt, Patrick & Dow

By Lendon S. Straus

45

San Francisco, Sept 17th, '51

Vigilance Committee, San Francisco Bought of Geo. O. Whitney

2 Tables	$10.00

Appd [Signed] Geo. R. Ward

Recd paymt [Signed] Geo. O. Whitney

46

San Francisco, July 8/51

Vigilant Commitee (Bot by Peter Viter) Bot of E. H. Jones & Co.

3 dressing Combs		4.50
2 whisk Brooms	50	1.00
1 [doz] spoons		8.00
2 Hair Brushes		7.00
		$20.50

Approved [Signed] Geo. R. Ward

Received payment, September 18, 1851 E. H. Jones & Co.

per . . .

47

San Francisco, Sep 16, 1851

Vigilance Committee	to *California Courier,*	Dr.
1851 June 25	For adv. Notice that Gallaher is not a member	$3.00
26	" " $5000 Reward	10.00
July 4	" " Meeting	4.00
8	" " Resolutions—2 sq. 1 week	10.00
		$27.00

Appd [Signed] Geo. R. Ward

Recd payt—By contribution J. M. Crane
pr C. O. G.

48

San Francisco, Aug 2nd 1851

Vigilance Committee	To E. Gilbert & Co., *Alta California* Office,	Dr.
July, Printing 600 Circulars		$18.00

Appd [Signed] Geo. R. Ward

Recd payt E. Gilbert & Co.
Pr D. S. McDermot

[It is probable that these circulars were the subscription sheets for the jail fund.]

49

Committee of Vigilance	To Oriental Hotel	
1851, July 21, for Refreshments furnished to date		$200.00

Approved as per advice of A. J. MacDuffie [Signed] Eug Delessert, Wm. H. Jones, Geo. R. Ward, J. C. L. Wadsworth.

paid	5.00
Jail fund	30.00
paid	60.00
	$95.00

Received ninety five $ in acct. [Signed] Caleb Hyatt
Recd in full [Signed] Caleb Hyatt

50

Will Mr Dellesert please let George have Ten Dollars on acc.
& Oblige yours Respecty
[Signed] D. L. Oakley, Sergt at Arms
I have no cash on hand [Signed] O——
Committee Room, Sept 23d, 1851
received [signed] T. G. Pfiester

51

Recd, Sanfrancisco, Sept 25th, 1851 from E. Delessert, Treasurer, on act of Services one hundred Doll. $100.00

[Signed] Danl L Oakley, Sergt at Arms, V. C.

Approved [Signed] E. Delessert

52

San Francisco, 26 Sept, 1851

The Vigilance Committee		to the *Morning Post,*		Dr.
26 June	To	advtg in re Gallagher	1 sq	$3.00
28 "	To	" resolution at Meeting	1 sq	4.00
4 July	To	" Meeting		2.00
7 "	To	" Card	2 sq 3 t	8.00
19 "	To	" reward of $5000.00 17 to 26 July	2 sq	20.00
				$37.00

Appd [Signed] Geo. R Ward

Recd Payment Shepard & Co.
by W. Reynolds.

53

San Francisco, July, 1851

Committee of Vigilance Bought of Geo. N. Shaw & Co.

Item		Amount
10 Boxes Candles	120 lbs @ 40	48.00
½ Keg Butter	11 lbs @ 40	4.40
		$52.40

Approved [Signed] Geo. R. Ward

Recd Payment Geo. N. Shaw & Co
pr H. C. Shaw

[Annotated:] Delessert, Ligeron & Co. Cash

54

George Pfeister, in account with the Committee of Vigilance Sanfrancisco, Sept 25th, 1851

Dr	To Cash	June 28th	$10.00
	" "	July 18th	20.00
	" "	" 25	30.00
	" "	Aug. 5th	20.00
	" "	" 13	40.00
	" "	by receipt, pd as cash to E. Delessert, by	

No. 54 (continued) Forward		*$120.00*
[Dr. To Cash] A. J. McDuffee		50.00
" " pr Order on Treasurer		10.00
		$180.00
Cr By Services from June 19th to Sept 19th, 3 mo at $100 pr mo		300.00
" Five Days work at $3.50 pr day		17.50
		$317.50
	$317.50	
	180.00	
E E	137.50	$137.50

Correct [Signed] D. L. Oakley, Sergt at arms.
Approved [Signed] Geo. R. Ward

Will Mr. E. Dellessert please pay George, late porter to the Committee, one hundred & thirty Seven Doll. being the amount due him.

[Signed] Danl L. Oakley, S. A. A.
Sept 25th 1851

Paid me only 137 Dollar [Signed] T. G. Pfiester

55

San Francisco

Vigilant Committee To W. O. Johnson & Co

		Dr.
1851 July 12	To Hire of Horse	5.00
13	To Hire of Horse, McCahill	5.00
Augt 14	To Hire of Horse per Joyce & McDuffy	15.00
		$25.00
	Less Horse for Mr. McCahill	5.00
		$20.00

Appd [Signed] Geo. R. Ward
Sept. 26/51

Recd payt W. O. J. & Co.
pr J. W. Gaskins

56

D. L. Oakley for Executive Com. Com. Vigilence Bot of J. D. Bluxome

One Box Sperm Candles 31½ lbs @ 55 cts	$17.32

San Francisco, Sept 25, 1851
Correct [Signed] D. L. Oakley, Sergt at Arms
Appd [Signed] Geo. R. Ward

Paid [Signed] J D Bluxome

57

San Francisco, July 14, 1851

A J McDuffie for Vigalance Committee Bot of Gay & Mellus

10 Cheese, 102¼ less 10 = 92¼ @ 20c		18.45
5 Galls O D & C Brandy	$6	30.00
Cartage		1.00
		$49.50

Approved [Signed] Eug. Delessert, Wm. H. Jones, Geo. R. Ward, J. C. L. Wadsworth.

Recd Payment [Signed] Gay & Mellus

58

The Vigilance Committee to Pioneer Club House Dr.

For Liquors, say Brandy, Gin &c furnished on board Ship *Adirondack*	$40.00
Cigars	18.00
	$58.00

Approved [Signed] Wm. H. Jones, Geo. R. Ward, Eug. Delessert.
San Francisco, July 16, 1851

Recd Payment [Signed] T. K. Battelle

59

Vigilance Committee to Baker & Messerve Dr.

To 70 yds Muslin	@ 12½	8.75
" 15 rolls Paper	@ 75c	11.25
" 4 papers Tacks	@ 15c	.60
" work clothing & papering		12.00
" putting up ceiling, Border &c		3.00
		$35.60

Appd [Signed] Geo. R. Ward
San Francisco, July 2, 1851

Recd Payt [Signed] Baker & Messerve

[Anotated:] To be offset by fines &c. August 9th 1851

60

San Francisco, Augt 5th, 1851

Messrs Committee of Vigilance Bought of Taaffe, & McCahill,

1 Dz Hick shirts	@ 7.50	$ 7.50
1 Dz Wool ½ Hose		3.00

No. 60 (continued) Forward *$10.50*

½ Dz Red shirts 15$ 7.50

18.00

1 Piano Cover 8.00

$26.00

Approved [Signed] Geo. R Ward

Recd paymt [Signed] Taaffe, McCahill & Co

61

San Francisco, Oct 15, 1851

Ex. Committee of Committee of Vigilance To I. Bluxome Jr.

For Services as Secretary 1 mo. $100.00

[Signed] Eug. Delessert

Received Payment [Signed] Isaac Bluxome, Jr.

62

Viggillance Committee To Ryan & Duff Dr.

To 4½ dys by Carpenters, Fitting up room $10.00 $45.00

San Francisco, 29th Septr. 1851

Correct [Signed] D. L. Oakley, S. A. A. Sept 30th, 51

Recvd payment [Signed] Ryan & Duff

63

Superior Court

Peter Metcalf vs. George Mellus, F. A. Woodworth, Daniel Oakley & Thomas McCahill, George E. Schenck & — Bri[illegible]ley

Received, November 11, 1851, of Isaac Bluxome Jr., Fifty dollars on account of our costs against the said defendants, to cover disbursements.

[Signed] Wood & Cook, Defts Attys.

64

San Francisco, 14 novbre, 1851

Le Comité de Vigilance Par M. E. Delessert Bought of Chs. Bertrand

21 yds Crèpe Noir à $1 $21.00

Ren Payement [Signed] Ch. Bertrand

65

St Francisco, November the 25th, 1851

Vigilance Comitee to S. Rosenthal

4 yds crepe $1.00 4.00

Paper Pins .20

4.20

Recived Paymt [Signed] S. Rosenthal

66

San Francisco, Oct 21/51

Vigilance Comte To Jno. Middleton Dr.

To 2 months rent for rooms Cor Sansome & Sacramento Sts from Sept 18 to Nov. 18 *payable in advance* pr month $50 $100.00

To 1 large roll matting 10.00

$110.00

Recd payment [Signed] A. H. Bradford
for J. Middleton

67

Received for Rent of the committee Rooms, fifty dollars
Recd Payt [Signed] A. H. Bradford
San Fco 24 Nov 1851

68

San Francisco, Dec 18th/51

Vigalance committee To Auction Saloon Dr.

To two months rent ending Jany 18th 1852 payable in advance $100.00

Recd Payt [Signed] Bradford & Ladd

69

Committee of Vigilance Bot of J. D. Bluxome
1852, Jany 5, 2 Boxes sperm candles 5 lbs ea. 10 lbs @ 70 $7.00
San Francisco Jan 30/52 Paid [Signed] J. D. Bluxome

70

San Francisco, Sept, 1851

Committee of Vigalence To *San Francisco Herald* Dr.

for Advt $5000 Reward from June 25th to Aug 25
2 sqrs 2 Mos @ $15 per Sqr 60.00
for Advt Mirror Lost from July 2nd 1 month 10.66
Sept 16 Notice of Meeting 1.50
" 19 Notice to Members 1 sqr 7 times 10.00
" 23 Notice of Meeting 2 times 3.00

$85.16

Deduct for the Good of the Cause 35.16

Amt due 50.00

Recd payt Nugent & Co
pr Wilcocks

71

San Francisco, Oct 1st, 1851

Committee of Vigalence	To *San Francisco Herald,*	Dr.
	Notice of Meeting 1 sqr	2.00
Oct 2nd	Notice of Meeting	2.00
	" Resolutions &c 1¾ sqr	5.00
		$9.00

Recd pmt Nugent & Co
per Wilcocks

72

San Francisco, Oct. 13, 1851

Vigilance Committe To *San Francisco Herald,*	Dr.
Advt. Notice of Meeting 1 sqr 3 times	$6.00

Recd pmt Nugent Co
per Wilcocks

73

Vigilance Committe To Green & Bowman	Dr.
July 13, Carriage & Horse Hire	35.00

San Francisco Oct 2d 1851
[Annotated:] State what for

[Endorsed:] July 13, Hire 4 Saddle Horses	20.00
Buggy Hire	10.00
August 1st Carriage Hire	5.00
Stewarts Guerrero, Lebras	
	$35.00

San Francisco July 19th 1851

Vigelance Committee	To Green & Bowman		
July 13th	4 Saddle Horses	5.00	20.00
" "	1 Horse & Buggy		10.00
			$30.00

Case of Le Bras, to the Mission
Approved [Signed] J. C. L. Wadsworth, E Delessert, Geo. R. Ward.
[Annotated:] Information

Recd of the Vigilance Committe by the hands of S. Payrann, thirty five dollars for Carriage Hire
$35.00 [Signed] Sibert, for Green & Bowman
San Francisco Nov 19, 1851

74

Vigilance Comittee Dr. To E. Bowen of Saucelito
For Expenses of trip to Saucelito & back to give information concerning Brig *Malek Adhel* $11.00
San Francisco, July 22/51
Note James F. Curtis is authorized to receive above for E. Bowen
Approved [Signed] James C. L Wadsworth, Geo. J Oakes, Geo. R Ward.
Recd Payment. ×

[This bill is annotated "Rejected," but it is entered as paid on the treasurer's book.]

75

San Francisco, Sept 5th, 1851

Committee of Vigilance To J. H. Mallett		Dr.
to 4 Saddle Horses	at 5 ea	$20.00
Carriage Hire from 10 A. M. to 3 P. M.		25.00
		$45.00

By Order Chief of Poliece
[Annotated:] 10 o'clk to 3 morn. night of Duane, Dutch Charley—
Approved [Signed] Geo R Ward, E. Delessert
Recd Payt J. H. Mallett
pr H. McGrath

76

San Francisco, July 18/51

Recd of James Murray on a/c of Boat Hire & Services for the Vigilant Committee eveg of the 16th inst Five dollars.
$5.00 [Signed] Wm. Boynton
Approved [Signed] Eug. Delessert, Wm. H. Jones, Geo. R. Ward, J. C. L. Wadsworth.

77

Viglance Commite To W. N. Horton	Dr.
for boat hire	18.00

Rec'd Payment [Signed] W. N. Horton

[Annotated:]

Dues	10
Certificate	5
	$15

78

Danl Oakley for Vigilance Committee Bot of J. D. Bluxome

One Box Supr Spm Candles 32 lbs @ 57c pr lb	$18.40

San Francisco, Oct. 22/51

Correct, Oct. 22nd 1851 [Signed] D. L Oakley, S A Arms

Paid [Signed] J. D. Bluxome

79

San Francisco, 15 Nov. 1851

Vigilance Committee Bought of Case, Heiser & Co.,

1 Box Spm Candles 32 lb. @ 50c	$16.00

Correct [Signed] D. L. Oakley

Jany 20/52 Recd Payment [Signed] Case, Heiser & Co

80

The Vigilance Committee of San Francisco To Baker & Messerve	Dr.
To Papering 1 Room as per contract	25.00
" Extra work clothing &c	5.00
" Gilt Moulding for windows &c	3.00
	$33.00

Recd Payt [Signed] Baker & Messerve

San Francisco, Sep 30th, 1851

81

San Francisco, Oct 21/51

Committee of Vigalance to W C Annan	Dr.
To Cash paid boat hire in search of Mr Briggs in company with Mr Williams	$12.00

Recd Paymt [Signed] W. C. Annan

82

San Francisco, Sep 19, 1851

The Vigilance Committee Bot of Cooke & LeCount

July 23	1 Record Book	$12.50
	4 Boxes Pens	5.00
	1 Bottle Ink	2.00
	2 doz. pen holders	3.50
Aug 1	1 Blank Book	2.50
" 19	1 Rm. Paper	7.00
	1 Index	1.00
	1 box pens	2.50
	1 bottle Carmine Ink	1.00

		No. 82 (continued) Forward	$37.00
Sep	2	½ dozen red tape	.75
		Sealing wax	2.00
		2 pkgs. envel. 2 sizes	1.25
		1 memo. book 4to	1.50
		1 memo. book long narrow	1.50
		Indexing the latter	2.00
			$46.00

San Francisco Oct 15, 1851

The Vigilance Committee To Cooke & LeCount Dr.

for amt B/R Sep 19 $46.00

Recd Payment Cooke & LeCount

pr Yates

83

San Francisco, Oct 6, 1851

The San Francisco Vigilance Committee To Cooke & LeCount Dr.

		To amt B/rendd Sept 19, 1851		$46.00
Sep	23	1 Rm. Cap paper	$6.50	
		1 Rm. letter paper	5.00	
		1 Box envelopes	2.00	
		3 pks envelopes	1.00	
		1 paper cutter	.75	
		4 Boxes Pens	5.00	
		1 doz. pen holders	1.50	
		1 parallel rule	1.50	
		12 Sheets pat. blot'g pap.	2.00	
	27	1 Memo. Book	.38	
	29	1 bot. red ink & a blk. bk.	2.00	
Oct	3	1 quire tissue paper	2.00	
		1 bottle gum arabic	1.00	
	6	paper	8.00	$38.63
				$84.63
		[Annotated:] paid [Signed] E. D.		46.00
				$38.63

San Francisco Oct 7, 1851

Vigilance Committee Dr. To Cooke & LeCount

for amt Bill Rendered $38.63

Recd Payment Cooke & LeCount

pr John H. Bolton

84

Paid to J. H. Connell [A. J. Cornell] & Dewey & others, ten per cent commission on collections	$154.00
Difference on Baldwins*	9.50
	163.50

85

Committée de Surveillance, doit à Alex. Zabreski & Co.

pour la gravure et la livarison de 1000 exempl. de brevet des membres pour la dite Sociètée	$150.00
Total	$150.00
paid	100.00
San Francisco le 22 janvier 1852	$ 50.00

Approved [Signed] F. A. Woodworth, Chairman Comm:—
pour acquit total [Signed] Alex. Zabreski

86

Committee of Vigilance To John Sullivan

	Dr.
To Boat hire *American Boy* one day	$16.00
" " " " " one night	16.00
" " " *Gregory* Two Trips	10.00
" " " " three trips	15.00
" Cash Paid Boat man	4.00
" " " *Gregory* ¾ day	12.00
" " " Whale Boats 4½ days	72.00
	$145.00

Received Payment for John Sullivan [Signed] A. Jackson McDuffee
[Annotated:] paid $145
133 [See voucher No. 88]
150 [See voucher No. 87]

$428 paid [Signed] E. D.

87

San Francisco, Aug 26/51

Vigilance Committee To Sullivan & Tucker

1 Night for Boat to *Mary & Catherine*	16.00
2 Trip for Boat	10.00
1 " *Gregory*	5.00
1 " *White Squals*	5.00

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*See note 9, p. 152.

No. 87 (*continued*) *Forward*	$36.00
1 [Trip *White Squals*] & 1 night in Harbor	16.00
1 " Do	5.00
1 Night & 1 Day Ship *Johnston*	32.00
2 Trips to *Dorset*	10.00
1 Trip to *Veto*	5.00
2 " to Angel Island	16.00
1 " to North Beach	5.00
1 Night & 1 Day Ship *Robt Bourne*	32.00
1 Night & ½ Day Ship *Edgar*	24.00
1 Trip to *Vincennes* (for J. B. Evans)	5.00
1 Night, Ship *President*	16.00
2 Trips, Ship *Edgar*	10.00
1 " to Brig *Hallowell*	5.90
Cash paid for Boat Hire	6.00
2 Trips for Maj. Graham on Board Ship *Robt Bourne* for Mrs Wright & her things [Annotated:] of this I am not quite sure. W. H. C	10.00
	$233.00

Correct [Signed] W. H. Clarke after deducting $5 for Mr Evens

Mr. I. Bluxome, Jr. to Seth Daniels

for 5 trips to Ship *Mary & Catherine* for Self & Friends $25.00

This is correct for Boat Hire [Signed] W. H. Clarke

Received in Acct One hundred & thirty three dollars

San Fo 19 Sept 1851 [Signed] Thos Tucker

88

San Francisco, July 22nd, 1851

The Vigilance Committ To John Sullivan, Thomas Tucker and others for boat hire to the *Aderondac*

To *American boy* 1 N	$16.00
" " " 1 D	16.00
" *White Squall* ½ N	8.00
" " " one trip	5.00
" *Jenny Lind* ½ N	8.00
" " " ½ D	8.00
" " " 1 D	16.00
" *Gregory* 2 trips	10.00
" " 3 trips	15.00
" *Staghound* 1 trip	5.00
" *White Squall* 1 N	16.00
" Cash paid for Oak Smith	4.00
" *Gregory* ¾ D	12.00
	$139.00

No. 88 (continued) Forward *$139.00*

Due to the Whale boat from Wenesday Night to Monday Morning for boat hire $144.00; that is allowing $16. dollers per night and 16. per day, off all the time. Some times 2 men in the boat and more times 4 men. One trip the *White Squall*, 1 trip 5 dollers the Whole amount $149.00

both bills $288.00

Correct [Signed] W. H. Clarke
Correct [Signed] T. K. Battelle

Approved knowing that the service was rendered but deeming the members of the guard very extravagant [Signed] J. C. L. Wadsworth, Geo. R. Ward, Eug. Delessert.

paid in presence of MacDuffee $150.00 [Signed] E. D.

San Francisco Nov. 6, 1851, Recd of E. Delessert, Esq., Treasurer of the Com. of Vigilance, Ninety Eight Dolls in full for Boat hire as per Bills 22 July & 26 Aug and also in full of all demands against said Vig. Com. for self and John Sullivan & Thos Tucker

Witness [Signed] Geo. R. Ward [Signed] Frank Lee
recd 150 [Signed] Thos Tucker

89

Received, Sanfrancisco, Oct 28th, 1851, of A. J Cornell, collector of the V. C. forty Dollars
$40.00 [Signed] Danl L. Oakley, Sergt at arms

Recd, Sanfrancisco, Sept 25th, 1851, from E. Delessert, Treasurer, twenty Doll, for expenses of Rooms, water, papers &c &c
$20.00 [Signed] Danl L. Oakley, Sergt at arms to E. C. of V. C.

Recd, Sanfrancisco, Dec 12th, 1851, from E. Delessert, Treasurer, twenty Doll on act of Services as Sergeant at arms
$20.00 [Signed] Danl L. Oakley, Sergt at arms

Recd, Sanfrancisco, Oct 31st, of A. J. Cornell, Collector V. C. fifty Doll for Oct dues
[Signed] D. L Oakley, Sergt at Arms

90

Received, Sanfrancisco, Oct 18th, 1851, of Eugene Delessert, Treasurer, fifty Doll on acct of Services as Sergeant at arms to V. C.
$50.00 [Signed] Danl L Oakley, Sergt at arms V. C.

91

San Francisco, Sept 22/51

Vigilant Committee Bot of Jonn Gavett . . . Co.

1 Gilt Girandola 5 lights	18.00
1 3 Light do	12.00
	$30.00

Correct [Signed] D. L. Oakley
[Annotated:] paid

San Francisco, Jany 22d, 1852, of Isaac Bluxome, Jr., fifteen dolls on a/c of Bill vs. Vigilance Committee

$15.00 [Signed] Jonn. Gavett

No. 371

Dues Oct. Nov. Dec. Jan'y.	$10
Certificate of Membership	5
	$15

[Signed] I. B. Jr

92

Committee of Vigilance To I. Bluxome Jr Dr.

For Services as Secretary from 17th of Oct to 17th of Dec, 2 mo	$200.00

Received Payment [Signed] Isaac Bluxome Jr, Secretary
San Francisco, Feby 11, 1852

[93 is missing.]

94

San Francisco, Jany 15, 1851 [1852]

Eug. Delessert, Ligeron & Co. Pay to Danl Oakley, Jr. or order Twenty five Dollars

$25.00 [Signed] Geo. R. Ward,

[Endorsed] Danl Oakley, Jr.

95

San Francisco Oct 51

Mr———— To Millen Griffith Dr.

To 5 Tons Coal, used on Expedition in Steam Tug *Fire Fly*	$30.	$150.00
	reduced to	$125.00

Recd Paym [Signed] Millen Griffith

[This was the attempt made to overhaul Osman and others, outside the Golden Gate. See p. 679.]

96

San Francisco, February 11th, 1852

Messrs Vigilance Committe To *Evening Picayune* Office, Dr.

From October 18th 1851 to Present Date	$8.50
do For *Courier* to January 3d	5.50
February 21st to One week	.50
	$14.50

Received payment S. O. Johnson, Assignee
per H. R. Helper

Next month please stop sending your paper

[Signed] E Delessert, Treasurer

97

Vigilance Committe To Auction Saloon Dr.

To rent of Rooms one month payable in advance	$50.00

San Francisco feb 18th/52

Recd Payment [Signed] Bradford & Ladd

98

D. L. Oakley in acct with the Committee of Vigilance

Cr. By Services commencing Aug 30th 1851, to Sept 24th 1851, $250.00 pr. mo.		$216.67
Dr. To Cash Sept 18th paid Self	45.67	
" " " 28th pr rect E. D. Treas	100.00	
" " " pr rect E. D. Treas	71.00	$216.67

Settled to Sept 24th, 1851. [Signed] D. L. Oakley, S. A. A.

Mr. E Delessert $150.00

Sir Please pay to Mr. Jas B. Huie or Order, One Hundred & fifty Doll for value recd and chge the same to my account

[Signed] Danl L. Oakley, Sergt at Arms, V. C.

Sanfrancisco, Oct 30th 1851.

D. L. Oakley in act with E. Dellessert, Treasurer of E. C. of V. C.

Sanfrancisco, Feby 28th 1852

Dr. To Cash Oct 18 Tr.	$50.00		
" " Oct 27 A. J. C.	$40.00		
" " Oct 30	50.00		
" " order J. B. H.	150.00		
" " Dec. Treas.	20.00	E. D.	
" " Jany G. A. Wd.	25.00	E. D. W.	
" " Bluxome	12.50		
	$347.50		
To Balce	252.50		$600.00

No. 98 (continued)

Cr. Sept 24th to Oct 24th By Services S. A A to the E C of V C	150.00	
Nov 24th	150.00	
Dec 24th per deputy J. W. Cartwright	150.00	
Jany 24th per deputy J. W. Cartwright	150.00	$600.00

The above is my true account to date of Jany 24 1852

[Signed] Danl L. Oakley

Recd Sanfrancisco Feby 27th 1852 of E. Dellessert, treasurer, Two hundred & fifty two 50/100 Dollars in full of all demands to date

[Signed] Danl L. Oakley, Sergt at Arms

99

San Francisco Jan 1st 1852

Committee of Vigilance To S. E. Woodworth	Dr.
To Expenses for trip to San Jose	$42.00

[Signed] S. E. Woodworth, V. C.

100

Vigilance Company To S. G. Pierce	Dr.
1852 [1851] Dec 1st To 268 Buckets Water @ 6¼	16.75

Received pay [Signed] S. G. Pierce

101

Andrew J. McDuffie Esq.	To Geo. Mellus			Dr.
1851 July 14	To 10 Cheeses, 92¼ lbs @ 20c		18.45	
	" 5 Galls Brandy		30.00	
	Cartage		1.00	49.45
31	" 3 Tins Coffee 18 lbs	35c	6.30	
	" 10 Cheeses 97¼ lbs	20c	19.45	
	" 2 lbs Tobacco	75	1.50	
	" 1 Box Claret Wine		4.50	
	" 3 Galls Alcohol		9.00	
	Cartage		1.00	41.75
Aug 9	" 4 Tins Coffee 24 lbs	35c	8.40	
" 22	" 4 Tins Coffee 24 lbs	35c	8.40	16.80
				$108.00

No. 101 (continued) Forward			*$108.00*
Contra Cr			
	By Cash from A. J. McD	10.00	
	" Cash from Déllésseret [No. 57]	49.00	59.00
	E. E.		$49.00
Sept 3d	To 2 Tins Coffee 12 lbs @ 35c deld D. L. Oakley		4.20
			$53.20
	paid		10.00
			43.00

Recd from the Vigelance Committee ten Dollars a/c of my bill.
Jany 17, 1852 [Signed] George Mellus

Recd San Francisco Mch 2/52 from E. Delessert forty four dollars in full for all bills against the Vigilance Committee
$44. [Signed] Geo. Mellus and Gay & Mellus

102

San Francisco, Dec 1, 1851

The Vigilance Committee Bought of Cooke & LeCount

Nov 1	1 Ream paper	$6.00
" 4	10 assorted papers	2.00
12	1 Blank Book	10.00
		$18.00
Jany 5	Steel Pens & Holders	3.00
		21.00

Recd Payment Cooke & LeCount
pr R D Langforth[?]

103

Le Committée de Vigilance doit à Alex. Zabreski & Co Lithographers pour l'impression de 24 copies du Certificat sur le parchemin pour le dit Committée $20.00

Total $20.00

San Francisco le 16 Fevrier 1852
pour acquit [Signed] Alex Zabreski

VOUCHERS OF GEORGE R. WARD, Treasurer*

104

Vigilance Committee To B. Baldwin Dr.
1852 Jany 17 . . . Certificates 8.00
27 do do 12.00

$20.00

San Francisco Mar. 20, 1852, Recd Payt [Signed] B. Baldwin

105

San Francisco, Mar 18th/52

Vigailence Committee To Auction Saloon Dr.
To rent of Rooms, one month from date $50.00
Recd Payt [Signed] Bradford & Ladd

106

Vigilance Committee To Auction Saloon Dr.
To rent of rooms, 1 month $50.00
Apr 18/52 Recd pay [Signed] Bradford & Ladd

[107 is missing.]

108

Vigilance Committee To Mrs S. E. Cole Dr
For three linen scarfs at 5— $15.00
Recd Payment [Signed] S. E. Cole
San Francisco, Oct 11th, 1851

VOUCHERS OF A. J. MCDUFFEE, Sergeant-at-Arms

109

San Francisco, June 13th, 1851

Committee of Vigalince, S. F. to *San Francisco Herald* Dr.
For Ad of Notice to Citizens of Cala 1½ sqr 1 time $4.50
Approved [Signed] R. S. Watson
Recd payt Nugent & Co.
per Wilcocks

110

San Francisco, June 14th, 1851

Vigilance Committee of S. F. Bought of Woodworth & Morris
10 lbs. Gun Powder $15.00
The Treasurer will please pay the above bill.
[Signed] R. S. Watson, W. H. Jones, Geo. R. Ward,
Committee of Finance
Received Payment Woodworth & Morris
[per] W. H. Jones

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* From this point the editor has assigned the serial numbers to the vouchers.

111

Vigilance Committee Bot of Gay & Mellus

1851 June 9	5 Galls Pale Brandy	$6.00	$30.00
June 9	1 Cask 4 doz. Ale	5.00	20.00
June 16	5 Gal Pale Brandy	6.00	30.00
	2 demijohns	3.00	6.00
			$86.00
	Cartage		2.00
			$88.00
	Deduct 2 demijohns		6.00
			$82.00

San Francisco, June 16, 1851

Recd Payt [Signed] Gay & Mellus

112

San Francisco, June 18th 1851

Committee of Vigilance Bought of Taaffe & McCahill

134 Yds 4/4 Cotton at 12½c	$16.85

The Sergeant at Arms will please liquidate the above.

[Signed] J. W. Salmon Treasurer

Recd Payt [Signed] Taaffe & McCahill

113

San Francisco, June 18th 1851

The Vigilance Committee To Jas. B. M. Crooks Dr.

To 1 Ble. 31 Galls spm. Oil	$55.80
1 Cask Feeder	1.00
Cartage	1.00
Tapping Ble. Labour of man & Trimming 24 Lamps	10.00
1 Pair Scissors	1.00
	$68.80

Approved [Signed] Wm H. Jones

Recd Payt [Signed] J. B. M. Crooks

114

The Vigilance Committee Bot of Taaffe & McCahill

11 pairs Blankets	$5.00	$55.00

San Francisco, June 19th/51

Recd Payment [Signed] Taaffe & McCahill

115

San Francisco, June 19, 1851

Vigilance Committee Bought of Macondray & Co.

3 Dozen Chairs at $16 $48.00

Rec Payment Macondray & Co.
[per] C. A. Downes

116

San Francisco, June 21st, 1851

Messrs Comm of Vigilance Bought of Taaffe & McCahill

7 Pr Blue Blankets @ $4.50	$31.50
5 " do do	22.50
	$54.00

Recd Payment [Signed] Taaffe & McCahill

117

San Francisco June 21st 1851

Vigilance Committee Bought of Geo. O. Whitney

2 Office Chairs and Cushions at $6 $12.00

Recd Payment [Signed] Geo O Whitney

[Annotated:] 354 Pd

118

San Francisco June 21 1851

A. J. McDuffee, Sergt at Arms—Vig. Comm. Rooms
Bo't of William J. Silver, Sac. St.

24 Single Straw Mattresses and Pillows at $2.50 $60.00

Approved as a member [Signed] S. Brannan
Recd Payt [Signed] W. J. Silver

119

San Francisco June 25, 1851

Vigilance Committee Bought of Macondray & Co.

2 Pistols $55.00

Recd Payt. M & Co.
[per] Walker

120

June 25, 1851

June	20	2 Bill files	$3.00
"	"	¼ Ream Paper	3.50
"	"	1 Blank Book	2.00
"	25	1 Box Wafers	1.50
			$10.00

Paid June 25, 1851 Cook & Lecount
per John H. Bolton

121

Vigilant Committee To Oriental Hotel

1851 June 25 for Refreshments furnished	$16.00
26 " " "	4.00
	$20.00

San Francisco, June 26/51 Recd Payment Caleb Hyatt
By H. I Joseph

122

Vigilance Committee Bot of Gay & Mellus

6 cheeses 64½ lb = 58¼ lb at 25	$14.56
1 Water Bucket and Cover	6.00
Cutlery	1.00
	$21.56

Recd Payt [Signed] Gay & Mellus

[Endorsed:] June 26, 1851

123

San Francisco, June 30, 1851

Received from A. J. McDuffee the sum of Fifteen Dollars for Expenses in coming to San Francisco to give evidence before the Committee of Vigilance in the Case of One Church

$15.00 [Signed] Wm. Gessner

124

Rec'd, San Francisco, July 25th, 1851 from Florence Mahony [V. C. No. 433] Nineteen dollars for expenses of John Francis from San Francisco to Marysville

$19.00 [Signed] C. Yeomans

125

San Francisco Aug 4/51

The Vigilance Committee To G. E. Schenck

	Dr.
To 3 Woolen Shirts 6/	$2.25
1 pr Pants	2.00
	$4.25
Cash	75
	$5.00

Recd payment [Signed] G. E. Schenck

126

San Francisco, Aug 20.—1851

Messrs The Vigilance Committee Bot of Bailey, Gilbert & Canfield

Jy	7	To 1 Bbl Polar Oil	30 gal	at $1.45	$43.50
Aug	20	1 Do Do	30 do	1.45	43.50
					$87.00

Recd payt [Signed] Bailey & Gilbert

[For voucher 127 see next page.]

BANK BOOK OF THE COMMITTEE OF VIGILANCE

Dr. JAMES KING, OF WM., In account with J. W. SALMON, Treasurer

1851			
June 10	To	Dep	$ 75.00
"	"	do	265.00
12	"	do	150.00
"	"	do	66.00
"	"	do	150.00
14	"	do	100.00
19	"	do	50.00
20	"	do	510.47
26	"	do	254.50
			50.00

The pass book used by J. W. Salmon, the first treasurer of the Committee, is 4 × 6 inches in size, and on the leather cover is stamped:

"JAMES KING OF WM. in a/c with——"

The entries on the credit side are doubly checked, to indicate the number of the corresponding voucher, the number at the left having been added in the handwriting of the second treasurer, Eugene Delessert.

127

San Francisco, Sept. 1851

Vigilance Committee	Bot of Bailey, Gilbert & Canfield,		
3 Gals Oil		1.45	$4.35

Recd Py [Signed] B & G

BANK BOOK OF THE COMMITTEE OF VIGILANCE

James King, of Wm., In account with J. W. Salmon, Treasurer				Cr.
June 10	1	S. of A.	No. 1	$ 50.00
11	2		2	50.00
17	3	Rent	3	400.00
20	4	Angel Island	4	36.50
26	5	S. of A.	5	100.00
			984.47	
	6			479.24
	7			30.00
	8		on a/c	400.00
	9			12.75

APPENDICES

APPENDIX A

LIST OF MEMBERS OF THE COMMITTEE OF VIGILANCE

NOTE.—The following alphabetic list of signers of the constitution was compiled by Mr. Porter Garnett, editor of Part I of the *Papers of the San Francisco Committee of Vigilance of 1851.** Names were verified from authoritative sources, Christian names were supplied in full wherever possible, and the form there adopted has been followed here, except in a few cases where correction is based upon legible signatures found in the documents.

As members signed the constitution, serial numbers were given to their names. This list was copied, with some variation of order, into a *Book of Names* kept by the sergeant-at-arms, and as his numbers became the official identification of members, they are given in italics enclosed within brackets wherever they differ from the original, which are printed in Roman type immediately following each name.

Ackley, John T. 276
Alford, S. M. 435
Almy, Andrew J. 362
Annan, William C. 436
Anthony, Edward R. 519
Argenti, Felix 187
Arrowsmith, David Bloomer 25[*21*]
Atkinson, F. A. 181

Babcock, Benjamin Edwin 143[*141*]
Badger, William Gilman 128[*127*]
Baker, Edward F. 182
Baker, Frank 392
Baker, James A. 453
Baker, William W. 569
Baldwin, Noyes 424
Ball, Francis A. 192
Ball, James M. 258
Bandmann, Julius 526
Barling, Henry A. 516
Barry, Theodore Augustus 416
Batchelder, Levi Leathers 429
Battelle, Thomas K. 144[*142*]
Bayless, Thornton J. 458
Behr, Herman 430
Belden, Robert Hall 165[*163*]
Belknap, Augustus 147[*145*]
Bennett, F. C. 193
Bennett, John C. 630
Blackburn, William 326
Blake, George Harry 176[*177*]
Bleakley, J. L. 217
Blood, Joseph Harris 370
Blunt, Simon Fraser 675
Bluxome, Isaac, Jr. 71[*67*]
Bluxome, John 406
Bode, George Charles 396
Bode, Luis 198
Bodfish, John 528
Bohrer, C. 631
Bolton, James Robert 390
Bokee, W. O. 497
Bond, Charles Royal 22[*18*]
Bottcher, E. 78[*74*]
Bouton, George H. 704
Bowers, Charles E., Jr., 257
Bowman, Charles Carson 441
Boyd, John J. 189
Boyd, Oscar H. 600
Bradstreet, Samuel 680
Brannan, Samuel 2
Brewster, C. O. 161[*159*]
Brimagion, Robert D. 592
Brinley, Charles H. 31[*27*]

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* Publications of the Academy of Pacific Coast History, Vol. 1, No. 7.

Britton, S. W. 523
Broadhurst, William 651
Bromley, Washington Lafayette 60 [*56*]
Brown, Burlin 613
Brown, De Witt C. 179
Brown, Elisha 419
Brown, Henry S. 82[*468*]
Browne, William 27[*23*]
Bryant, Alexander Hamilton 694
Bryant, John Y. 36[*32*]
Bryant, Thomas B. 587
Buckler, John, Jr. 494
Buckley, B. S. 204
Buckner, Charles S. 397
Bullock, Lathrop Lamb 74[*70*]
Bunker, Frederick Ramsdell 293
Burdell, Galen 259
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* Printed Von Lenyerk in the *San Francisco Herald*, June 13, 1851; Von Lengerke, in Parker's *San Francisco Directory*, 1852.

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The following men were named in the documents as members elect, or as persons who apparently acted as members:

Berford, R. G. See *Names Approved by the Committee on Qualification,** 18
Haight, H.
Higgins, Cornell
Kemble, Edward C. *Ibid.*, 18
Lawrence, William W. *Ibid.*, 19
Ottinger, Capt. *Ibid.*, 18
Patterson, Capt.
Ranger, Tillman P.
Scholefield, Charles. *Ibid.*, 17
Shaw, George N. *Ibid.*, 17

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* *Papers of the San Francisco Committee of Vigilance of 1851,* II. (Publications of the Academy of Pacific Coast History, Vol. 2, No. 2.)

APPENDIX B

OFFICERS AND STANDING COMMITTEES OF THE COMMITTEE OF VIGILANCE

GENERAL COMMITTEE

President:

Samuel Brannan, from the organization to July 9.†
S. E. Woodworth, from July 9 to the reorganization, September 17.

Chairman pro tem.:

S. E. Woodworth, July 5, 6, 7, 8.
G. R. Ward, July 3.
J. C. Ward, July 8.
J. B. Huie, July 29, August 31.
William Sharon, August 1.
F. A. Woodworth, August 5, 6, 26.
D. S. Turner, August 9.
L. Tuffs, August 12.
J. D. Stevenson, August 20.
Henry Haight,* September 6.
J. F. Hutton, September 13.

Secretary:

Isaac Bluxome, Jr., from July 5 to the reorganization, September 17.

Secretary pro tem:

J. C. Ward, June 28.
Eugene Delessert, July 3.
G. R. Ward, July 8, August 9, 12.
F. A. Atkinson, appointed July 9, but never served.

Treasurer:

J. W. Salmon, from the organization to July 5.
Eugene Delessert, from July 5, 1851, to April 2, 1852.
G. R. Ward, from April 2 to November 26, 1852.
R. B. Hampton, elected November 26, 1852.

Sergeant-at-Arms:

A. J. McDuffee, from the organization to August 29.
D. L. Oakley, August 29, 1851, to February 24, 1852 (office abolished).

Chief of Police:

J. L. Van Bokkelen, from the organization to August 23.
W. O. Smith, August 26 to the reorganization, September 17.

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† Unless otherwise specified, dates refer to the year 1851.

* The name of Henry Haight is not enrolled among the members of the committee.

Officers and Standing Committees

General Committee

Chief of Water Police:

Edgar Wakeman, from the organization to about July 14.
W. H. Clarke, July 22, or earlier, to the reorganization, September 17.

Marshals:

C. Bohrer.
J. J. Boyd.
S. L. Haven.
W. H. Jones.
J. W. Stillman.
D. J. Thomas, Jr.

Collector of Fines and Dues:

Robert Wells.
D. L. Oakley.
A. G. Randall.
A. J. Cornell.
F. A. Atkinson.

Executive Committee

President:

Samuel Brannan, from the organization to July 2 or 4.
Stephen Payran,[*] from July 2 or 4 to November 12.
G. W. Ryckman, elected April 2, 1852, re-elected November 26, 1852.

Chairman pro tem.:

G. M. Garwood, June 26.
J. B. Huie, June 27.[†]
A. J. Ellis, June 27.
G. E. Schenck, June 29.
George Mellus, June 30.
S. E. Woodworth, July 8.
W. L. Bromley, July 8.
G. W. Ryckman, July 18, 25, August 4.
E. Gorham, July 21.
J. W. Cartwright, January 7, 1852.
J. C. Ward, May 5, 1852.

Vice-president:

S. E. Woodworth, elected as first vice-president September 27, 1851, April 2, 1852. Presided, October 1(?), 15, December 10, 1851; January 14, 28, February 25, March 13, 17, 24, April 7, 15, May 12, 1852.

G. W. Ryckman, elected as second vice-president September 27, 1851. Presided, October 8, 27, November 5, 11, 12, 16, 19, 25, 26, December 17, 24, 31, 1851.

Eugene Delessert, elected as second vice-president April 2, 1852.

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[*] The minutes do not record the election of Payran in July, but his signatures clearly establish his official position. After his resignation, the second vice-president, Ryckman, acted as chairman more frequently than Woodworth, and his name is annotated "Pres" on the secretary's roll.

[†] "Chairman" should follow his signature to the police order of August 22, on p. 549.

Officers and Standing Committees

Executive Committee

Secretary:

C. H. Brinley, from June 26 to July 9.

W. C. Graham, from July 9 to August 18.

Secretary pro tem:

J. F. Spence, June 30.

Stephen Payran, July 1, 2.

J. F. Curtis, July 17.

G. M. Garwood, July 25, August 20.

Isaac Bluxome, Jr., August 1.

G. W. Ryckman, August 19, 26, 29–31, September 6, 11, 13–16.

T. J. L. Smiley, September 9.

Charles Griswold, October 27.

Standing Committees

Finance Committee:

As mentioned June 16: J. W. Salmon, G. R. Ward, R. S. Watson.

As mentioned June 26: W. H. Jones, Eugene Delessert, G. R. Ward, R. S. Watson.

Added before reorganization, September 17: P. D. Hedley, *vice* Jones; G. J. Oakes, *vice* Watson; J. C. L. Wadsworth.

September 17: G. R. Ward, Lafayette Maynard, Eugene Delessert, James King of William, T. J. L. Smiley.

April 2, 1852: James Dows, A. M. Ebbets, T. J. L. Smiley, E. M. Earl, Pulaski Jacks.

Added April 15: R. M. Jessup, *vice* Jacks.

Qualification Committee:

Previous to July 12:* F. A. Woodworth, G. E. Schenck, G. R. Ward, George Mellus, G. H. Howard, Samuel Brannan, A. J. Ellis.

Added July 12: Lloyd Minturn, E. R. Anthony, C. L. Case.

Added †: F. A. Woodworth, G. R. Ward, G. E. Schenck, J. C. Ward, A. J. Ellis.

September 27: G. M. Garwood, G. W. Ryckman, C. L. Case, J. F. Hutton, F. A. Woodworth.

March 13, 1852: J. C. Ward, James Dows, James De Long, G. W. Ryckman, James Hutton.

April 2: A. B. Stout, W. A. Darling, James Murray, R. L. Lammot, C. G. Scott.

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* From signatures in the list of names approved by the Committee on Qualification. *Papers of the San Francisco Committee of Vigilance of 1851*, II.

† See p. 396.

APPENDIX C

ROLL CALL OF THE EXECUTIVE COMMITTEE AND SUMMARY OF ATTENDANCE

After the reorganization, September 17, 1851, the secretary, Isaac Bluxome, Jr., kept the roll of the Executive Committee in a separate book, 5¼ × 8 inches in size, which was ruled by hand, and checked to record the attendance of each member. There is no title page in Bluxome's handwriting, although one was added, in pencil, probably when the papers were in the possession of H. H. Bancroft. The editor has inserted, from the minutes, the attendance at the special meetings of September 30, and November 16 and 26, 1851.

ROLL CALL OF THE EXECUTIVE COMMITTEE

SEPTEMBER 24, 1851, TO MARCH 13, 1852

	26th Sept	27th Sept	1st Oct	2d Oct	9 Oct	16 Oct	23 Oct	30 Oct	Nov 6	Nov 13	Nov 19	Nov 26	Dec 10	Dec 17	Dec 24	Dec 31	1852, Jany 7	Jany 14	Jany 21	Jany 28	Feby 4	" 11	" 25	March 3	" 10	(" 13)	1851, Sept 30	Nov 18	Nov 26
Payran[1]	/	/	/		/	/	/	/																			/		
W D M Howard[1]	–	–	–	–	–	–	–																						
Saml Brannan	/						/											/											
W T Coleman	/					/				/																			
Jas C Ward		/			/		/															/			/	/			
B C Saunders					/																								
S E Woodworth[2]		/	/	/	/	/	/	/	/	/	/	/	/	/	/	/		/		/				/		/	/		
Jas King of Wm		/																											
Jas Dows	/				/							/	/	/				/	/	/	/	/	/	/		/			/
H F Teschemacher	/		/			/				/				/		/			/	/									
Dr A B Stout	/		/						/																	/			
F Vassault	/					/												/									/		
S Farrett[3]	/	–	–	–	–	–	–																						
R M Jessup	/					/					/		/	/					/							/	/		
Jas B Huie	/		/			/			/	/												/							
Peck	/																												
Griswold				/	/	/	/		/	/	/		/			/										/		/	
H A Cobb	/		/				/				/																		
G M Garwood	/	/	/		/	/			/	/		/	/	/								/							/
G W Ryckman[4]	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/
T J L Smiley	/	/	/	/	/	/	/				/	/			/	/	/	/	/	/	/	/	/			/	/	/	
W Cartwright	/	/	/	/	/	/	/		/				/	/	/	/	/	/	/	/	/	/					/		
Wm N Thompson	/					/					/			/	/														
D Kinney[5]																													
A Kirchner	/	/	/	/	/		/			/		/	/		/														
Wm H White	/		/	/	/	/	/			/	/	/	/	/	/					/	/			/			/		
Raynes	/		/	/		/				/	/			/				/											
Janvrin	/		/		/	/	/	/	/	/	/	/				/	/				/				/	/			
Jas M Swift	/		/				/		/	/	/						/						/				/		/
Geo R Ward	/	/	/	/	/	/	/		/	/	/	/	/	/		/	/	/	/	/	/	/		/	/	/	/	/	/
Nagle	/	/	/	/		/		/	/			/		/		/					/						/		
Darling[6]	/			/		/			/																				
De Long	/	/	/	/	/	/	/		/	/	/	/	/	/									/			/			/
W C Annan			/	/	/	/	/																						
L Maynard			/	/		/	/											/											
W A Darling	/	/	/		/	/		/	/	/	/	/	/	/			/	/			/		/			/			/
J F Hutton	/	/	/	/	/	/	/				/							/											
Saml Dewey	/	/				/			/	/				/			/												/

APRIL 2 TO MAY 12, 1852

	1852 April 2d	" 9	" 16	(May 5)	(May 12)
Saml Brannan					
Jas C Ward	/		/	/	
B C Saunders					
S E Woodworth	/	/	/	/	
Jas Dows	/	/	/	/	
Dr Stout	/				
H A Cobb					
G M Garwood					
G W Ryckman	/	/	/	/	/
T J L Smiley	/	/		/	
Wm N Thompson	/				
Isaac Bluxome Jr	/	/	/	/	/
A Kirchner				/	
Jas M Swift					
Geo R Ward	/	/	/	/	
Jas De Long	/	/			
W C Annan		/	/		
L Maynard					
W A Darling	/				
E Dellessert	/	/	/	/	/
F Woodworth					
J C L Wardsworth	/		/	/	/
Pulaski Jacks	/	/	/		
W A Howard	/		/		
Capt Wm Mac Michael	/	/	/	/	
Jas Murray	/	/	/		/
E Thibaut					
Eugene Hart	/	/		/	
John S Ellis					
Joseph E Dall					
Joseph E Sweetser					
S R Gerry					
E M Earle	/	/	/	/	
Noah Ripley					
Geo H Hossefros					
C E Story					
R Hochkiofler					
A M Ebbets		/			/

[illegible]	/	/	/	/	/	/	/				/							/											
Saml Dewey	/	/					/		/	/				/			/												/
F Argenti	/	/	/	/	/		/	/	/	/	/		/	/	/	/	/	/										/	/
E Delessert	/		/	/		/	/		/	/	/		/	/	/	/	/	/	/		/	/	/	/				/	/
Chas L Case	/		/			/		/			/																	/	
I Bluxome Jr	/	/	/	/	/	/	/		/	/	/	/	/	/	/	/		/	/	/	/	/	/	/	/	/	/	/	/
F Woodworth	/	/	/	/	/	/	/	/	/	/	/	/	/	/		/		/	/	/	/								
Geo J Oakes[4]	–	–	/		/	/	/																						
J C L Wardsworth	–	–	–	–	–	–	–			/	/	/	/	/	/	/		/		/			/			/			
A J Alma	–	–	–	–	–	–	–	–	–	–	–	–																	
F Panton	–	–	–	–	–	–	–	–	–	–	–	–																	
W L Bromley	–	–	–	–	–	–	–	–	–	–	–	–																	
James F Curtis											/	/									/	/				/			
D W C Brown											–	–	/	/				/	/	/	/					/			
Jas Murray											–	–	/	/	/		/	/		/			/		/	/			

[illegible]					
A M Ebbets		/			/
M Budsdale		/	/	/	
J P Corrigan		/		/	
R S Lamotte	/				
B G Lattimer					
D W Hawley					
Chas G Scott	/			/	

[1] Annotated "Res.," and crossed out.
[2] Annotated "Pres. Gen. Com."
[3] Annotated "one meeting," and crossed out.
[4] These names have been crossed out in red ink.
[5] Annotated "Pres."

[illegible]
Jas. C. Ward
D C Saunders
S E Woodworth
Jas Dows
[illegible]
C A Ross
O S Harwood
G W [illegible]
T J L [illegible]
Wm N Thompson
Isaac [illegible] Jr
A [illegible]
Jas [illegible]
Geo [illegible]

SUMMARY OF THE ROLL CALLS OF THE EXECUTIVE COMMITTEE[*]

	1851 June 26 to Aug. 20[†]	1851–1852 Sept. 24 to Mar. 13	1852 April 2 to May 12	Total
Meetings recorded	62	29	5	96
Almy, A. J.	....	....	..	....
Annan, W. C.	....	5	2	7
Argenti, Felix	....	18	..	18
Bluxome, Isaac, Jr.	42	27	5	74
Brannan, Samuel	7	3	..	10
Brinley, C. H.	34	....	..	34
Bromley, W. L.	42	....	..	42
Brown, D. W. C.	....	7	..	7
Burling, William	....	4	..	4
Cartwright, J. W.	....	19	..	19
Case, C. L.	....	6	..	6
Cobb, H. A.	....	4	..	4
Coleman, W. T.	7	3	..	10
Corrigan, J. P.	....	....	2	2
Curtis, J. F.	36	5	..	41
Dall, J. E.	....	....	..	....
Darling, W. A.	....	18	1	19
Delessert, Eugene	....	21	5	26
De Long, James	....	16	2	18
Dewey, S. L.	....	8	..	8
Dows, James	....	14	4	18
Earl, E. M.	....	....	4	4
Ebbets, A. M.	....	....	2	2
Ellis, A. J.	20	....	..	20
Ellis, J. S.	....	....	..	....
Garwood, G. M.	35	12	..	47
Gerry, S. R.	....	....	..	....
Gorham, E.	26	....	..	26
Graham, W. C.	33	....	..	33
Griswold, Charles	....	11	..	11
Hart, Eugene	....	....	3	3
Hawley, D. N.	....	....	..	....
Hochkofler, Rudolph	....	....	..	....
Hossefross, G. H.	....	....	..	....
	282	201	30	513

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[*] Compiled by the editor.

[†] There are no minutes of executive meetings between the date of the seizure of Whittaker and McKenzie, and the reorganization, September 17.

SUMMARY OF ROLL CALLS

	1851 June 26 to Aug. 20	1851–1852 Sept. 24 to Mar. 18	1852 April 2 to May 12	Total
Meetings recorded	62	29	5	96
Attendance forwarded	282	201	30	513
Howard, W. A.	....	....	2	2
Howard, W. D. M.	....	....	..	....
Huie, J. B.	16	6	..	22
Hutton, J. F.	....	9	..	9
Jacks, Pulaski	....	....	3	3
Janvrin, Dennis	....	15	..	15
Jessup, R. M.	....	8	..	8
King of William, James	....	1	..	1
Kinney, W. D.	....	....	..	....
Kirchner, Alexander	....	10	1	11
Lammot, R. S.	....	....	1	1
Latimer, B. G.	....	....	..	....
McCahill, Thomas	12	....	..	12
MacMichael, William	....	....	4	4
Maynard, Lafayette	....	5	..	5
Mellus, George	12	....	..	12
Murray, James	....	9	4	13
Naglee, H. M.	....	12	..	12
Oakes, G. J.	33	4	..	37
Panton, Francis	....	....	..	....
Parrott, J. S.	....	1	..	1
Payran, Stephen	49	8	..	57
Post, J. A.	....	1	..	1
Raynes John	....	8	..	8
Ripley, Noah	....	....	..	....
Rudsdale, M.	....	....	3	3
Ryckman, G. W.	31	29	5	65
Sanders, B. C.	1	1	..	2
Schenck, G. E.	41	....	..	41
Scott, C. G.	....	....	2	2
Smiley, T. J. L.	1	21	3	25
Spence, J. F.	17	....	..	17
Story, C. R.	....	....	..	....
Stout, A. B.	....	4	1	5
Sweetser, J. E.	....	....	..	....
Swift, J. M.	....	10	..	10
	495	363	59	917

Summary of Roll Calls

	1851 June 26 to Aug. 20	1851–1852 Sept. 24 to Mar. 13	1852 April 2 to May 12	Total
Meetings recorded	62	29	5	96
Attendance forwarded	495	363	59	917
Teschemacher, H. F.	----	8	--	8
Thebaud, E.	----	----	--	....
Thompson, W. N.	----	5	1	6
Turner, D. S.	8	----	--	8
Vassault, Ferdinand	----	4	--	4
Wadsworth, J. C. L.	30	11	4	45
Ward, G. R.	----	26	4	30
Ward, J. C.	24	6	3	33
Watson, R. S.	1	----	--	1
White, W. H.	----	16	--	16
Woodworth, F. A.	12	19	--	31
Woodworth, S. E.‡	7	20	4	31
	577	478	75	1130
Average attendance	9+	16+	15	11+
Number composing Ex. Com.	20	45	45	

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‡ *Ex officio* member, as president of General Committee.

APPENDIX D

ANALYSIS OF THE FINANCIAL ACCOUNTS OF THE COMMITTEE OF VIGILANCE, JUNE 9, 1851–JUNE 17, 1852

NOTE.—The analysis of the financial accounts of the Committee of Vigilance is based upon the entries and footings in the cash accounts, pages 752–765, but it disregards the final, unbalanced entries made by G. R. Ward, July 14–November 24, 1852, on page 763. The vouchers have been used in classifying and supplementing the brief entries of the treasurers, and separate entries on the same voucher have been segregated, to secure accurate classification. Exact reference has been made to facilitate closer study by readers who may care for an examination of San Francisco prices in 1851.

Where discrepancies occur between vouchers and cash books, the entries in the latter have been followed. Instances of confusion in the accounts have already been noted on pages 752 and 756 and it seems very possible that Delessert's vouchers 3 and 58 referred to the same item, while vouchers 51, 89, 90, and 98, seem to show a duplication, amounting to $280, charged to the salary of the sergeant-at-arms. As the books were audited by George R. Ward (see pages 759 and 761), it is possible that their apparent inaccuracies were understood by the contemporary members of the Finance Committee.

RECEIPTS

Accounted for by J. W. Salmon (p. 752)			$1671.97
Accounted for by Eugene Delessert (p. 760)		$7791.80	
Deduction for balance from Salmon (p. 754)	$112.48		
Deduction for advance by Delessert (p. 760)	220.38	332.86	
Net receipts, Delessert		$7458.94	7458.94
Accounted for by G. R. Ward (p. 763)			310.38
Accounted for by A. J. McDuffee (p. 764)		$4045.00	
Deduction for cash paid treasurer (p. 765)		2811.36	
		$1233.64	1233.64
			$10674.93

The editor has tried in vain to analyze the receipts of the Committee. At least $2400 came from outside contributions, $175 from the sale of certificates, and $320.23 from the sale of lumber and furniture. The balance of $7779.70 came from initiation fees, dues, fines and voluntary subscriptions that were handed in by the regular collectors, without the names of the donors.

ANALYSIS OF FINANCIAL ACCOUNTS

DISBURSEMENTS

Accounted for by Salmon (p. 753)	$1671.97	
Deduction for balance paid Delessert	112.48	
	$1559.49	$1559.49
Accounted for by Delessert (p. 761)		7791.80
Accounted for by Ward (p. 763)	$310.38	
Deduction for balance paid Delessert	220.38	
	$ 90.00	90.00
Accounted for by McDuffee (p. 765)	$4045.00	
Deduction for balances paid treasurer	2811.36	
	$1233.64	1233.64
		$10674.93

ANALYSIS OF DISBURSEMENTS

Rent		$1525.00
(Vouchers S.* 3, D. 9, 44, 66, 67, 68, 97, 105, 106, 107)		
Salaries:		
Sergeant-at-arms†	$1581.11	
(Vouchers S. 5, D. 16, 39, 51, 89, 90, 94, 98)		
Secretary	300.00	
(Vouchers 61, 92)		
Porter	257.00	
(Vouchers 37, 50, 54, and p. 765)		
	$2138.11	$2138.11
Headquarters:		
Labor	$732.29	
(Vouchers 27, 59, 62, 80, 112)		
Equipment	689.00	
(Vouchers 22, 25, 26, 45, 46, 66, 91, 93, 114–118, 122)		
Stationery	167.38	
(Vouchers D. 1, 2, 23, 28, 102, 120)		
Oil and candles	326.17	
(Vouchers 20, 36, 53, 56, 69, 78, 79, 113, 126, 127)		
	$1914.84	1914.84
	Forward	$5577.95

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* The series of vouchers filed by Salmon and Delessert are distinguished, when necessary, by the designations S. and D.

† See note, p. 822.

ANALYSIS OF FINANCIAL ACCOUNTS

	Forward	$5577.95
Advertising (Vouchers S. 7, D. 17–19, 29, 34, 47, 48, 52, 70–72, 96, 109)		342.75
Water police and boat hire (Vouchers S. 2, 4, 6, D. 4, 8, 30, 33, 74, 76, 77, 81, 86–88, 95)		1442.24
Travel and pursuit of criminals (Vouchers D. 6, 7, 10–12, 38, 40, 41, 99, 123)		848.25
Passage of deported convicts (Vouchers D. 5, 35, 43)		425.00
Livery (Vouchers 13, 15, 31, 32, 42, 55, 75)		231.00
Refreshments, liquor, cigars, etc.:		
Liquor (Vouchers 14, 21, 57, 58, 101, 111)	192.50	
Liquor or refreshments, doubtful (Vouchers D. 3, 14, 49, 101, 121)	298.00	
Refreshments (Vouchers 20, 21, 53, 57, 100, 101, 122)	132.71	
Cigars (Vouchers 58, 101)	19.50	
	$642.71	642.71
Sundry (Vouchers S. 1, 9, 10, D. 24, 60, 63–65, 84, 85, 103, 104, 108, 110, 113, 119, 125)		645.45
Unitemized balance in McDuffee's report:		
Expenditures (p. 765) plus balance on hand	$1173.64	
Less vouchers 109–127	653.06	
	$520.58	520.58
		$10675.93
Deduction for an error in footing p. 759		1.00
		$10674.93

APPENDIX E

PRISONERS ARRESTED BY THE COMMITTEE OF VIGILANCE

George Adams; larceny; handed over to authorities.[1]
Thomas Ainsworth; larceny; handed over to authorities.
Ahone; keeper of a suspicious house; discharged.
William Alderson; convict; deported.
Alo; keeper of a suspicious house; discharged.
J. J. Arentrue; larceny and murder; handed over to authorities.[2]
George Arthur; larceny; handed over to authorities.
William Barclay; convict; deported.
Antonio Barsallio; larceny; discharged (whipped?).
Henry Beck; convict; discharged.
James Burns, *alias* Jimmy from Town; larceny; handed over to authorities.[3]
Thomas Burns; convict, keeper of a suspicious house; deported.
Capt. Canning; murder; handed over to authorities.[4]
Samuel Church; horse thief and deserter; handed over to army.
William Clay; convict; deported.
William Cummings; larceny; discharged.
Dab, or Elleard; horse thief; released by Brannan.
Theodore Dahlgrén; larceny; honorably discharged.
Peter Davis; "desperate character"; discharged.
Thomas Desmond; discharged.
John Donnelly; convict; discharged.
David Earl; larceny; ordered to leave California.
Sylvanus Emerson; larceny; honorably discharged.
Aaron Gainesborough; convict; ordered to leave California.
Samuel Gallagher; murder; handed over to authorities.[5]
Richard Garland; convict; deported.
John Goff; convict; ordered to leave California.
Antonio Gonzales; assault; handed over to authorities.[6]
Eugenio Gonzales; larceny; discharged.
W. F. Hance; murder in Panama; sent back to Panama.
Handy.
W. L. Harding; murder; discharged.

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[1] Sentenced to twenty years' imprisonment.

[2] Discharged.

[3] Sentenced to ten years' imprisonment.

[4] Discharged.

[5] Fined $500 and sentenced to three years' imprisonment, but pardoned (*S. F. Herald*, Nov. 18, Dec. 6, 1851).

[6] Acquitted (*S. F. Herald*, Nov. 13, 1851).

PRISONERS ARRESTED BY THE COMMITTEE OF VIGILANCE

Hanson Hathaway; larceny; discharged.
W. H. Hays; larceny; ordered to leave California.
John Hennessey; larceny; discharged(?).
James Hetherington; keeper of a suspicious house; deported.
Lawrence Higgins; convict immigrant; deported.
John Hobbs; convict immigrant; deported.
Mary Ann Hogan; keeper of a suspicious house; discharged.
George Hopkins; convict(?); deported.
Howard; deserter; handed over to army.
John Jenkins; larceny; convict(?); hanged.
Daniel Jenks; larceny; ordered to leave California.
Emma Jones; convict; ordered to leave California.
Thomas Jones; convict; ordered to leave California.
Dr. Kennedy; assault; handed over to authorities.
Francois Le Bras; murder; handed over to authorities.[7]
William Leonard; larceny; handed over to authorities.[8]
James Llewyllen; larceny; discharged.
William Lovegrove; larceny; discharged.
John Luckhurst; suspected immigrant; discharged.
John McDonald; drunk; discharged.
Robert McKenzie; larceny; hanged.
John Matson; arson; discharged.
Robert Ogden; convict; ordered to leave California.
Mrs. Ogden.
John Olligin; murder; discharged.
Daniel Peterson; larceny; discharged.
Justo Reyes; larceny; whipped, ordered to leave California.
James Roach; convict; deported.
Ben Robinson; arson; discharged.
Margaret L. Robinson; arson; discharged.
William Robinson; arson; discharged.
Michael Ryan; suspected immigrant; deported(?).
Martin Sanphy; "bad citizen"; ordered to leave California.
Mrs. Jane Sanphy; larceny; discharged.
Thomas Scott; "bad man"; deported.
Michael Slatterly; suspected immigrant; discharged.
Henry Smith; horse stealing; honorably discharged.
James Smith; larceny; discharged.
John Smith; larceny; honorably discharged.

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[7] Acquitted.

[8] This arrest is not noted in the documents of the C. of V., but was reported in the *S. F. Herald,* July 19, 22, 1851. Leonard was acquitted. (*Herald*, Aug. 6.)

PRISONERS ARRESTED BY THE COMMITTEE OF VIGILANCE

Thomas Speeding and wife; larceny; discharged.
James Stuart; convict and murderer; hanged.
John Sullivan; larceny; discharged.
Patrick Sweeney; reputed convict; discharged.
Hamilton Taft; larceny; handed over to authorities.
Charles Talbot; arson; discharged.
Alexander Thompson; impersonating member of C. of V.; discharged.
David Thompson; larceny; discharged.
James Tierney; larceny; discharged.
Joseph Turner, *alias* Quick; convict, larceny; ordered to leave California.
Mrs. Turner; ordered to leave California.
John Ward; convict; ordered to leave California.
James W. Warren; larceny; honorably discharged.
James Webb; convict immigrant; discharged.
Daniel Whilden; mutiny; discharged.
Sam Whittaker; convict and thief; hanged.
Patrick Wild; convict; deported.
Richard Wilson; suspected convict; ordered to leave California.
William Wilson; convict(?); discharged.
Alexander Wright; convict; deported.

SUMMARY

Discharged	41
Handed over to authorities	15
Ordered to leave California	14
Deported	14
Hanged	4
Whipped	1
Undesignated	2
Total	91

APPENDIX F

CRIMINALS IMPLICATED BY JAMES STUART AND HIS CONFEDERATES

George Adams.*
Thomas Ainsworth.
J. J. Arentrue.*
P. J. Barnes, the tinman.
Henry Beck.
Bluey.
Francis Brier.
Jim Briggs.*
Jerry Brown.*
Jim Brown.*
James Burns, *alias* Jimmy from Town.*
—— Butler.
Charley.*
Little Charley.*
Long Charley.*
William Clay.
Dab.*
John Darke.
Charles Duane.
David Earl.*
Charles Edwards.
Edward Edwards.
John Edwards.*
Malachi Fallon.
Aaron Gainesborough.
William Gamble.
—— Goldsmith.
William Gregory.
John Griffith.*
William Hays.*
Mrs. Hogan.*
Mat Hopwood, *alias* Big Brummy.*
William Hughes, *alias* Swan.*
—— Jackson.
(The) Jew, trader, at Sacramento.
Jones, *alias* Grice.
John Jones.*
Joseph, *alias* Old Joe.
Thomas Belcher Kay.*
James Kelly.
King, the barber.
William Kitchen.*
Harry Klegg.
Dr. Lambert.
Jerry Long.*
Long Bill.
Jack Lowe.*
A. J. McCarty, policeman.*
Teddy McCormac.*
R. C. McIntire, policeman.*
Robert McKenzie.*
Joseph Marks.*
—— Mathews.
A. L. Melvin.
James Miner.
James Moore.
John Morris Morgan.*
Robert Nelson.
William Nelson.*
Richard Osman.*
Palmer, the bird stuffer.
James Peet.*
John Purcell, a policeman.*
Mrs. Regan.*
William Roach.
John Ryan.*
Sam.
—— Seymour.
Billy Shears.
Smith, the gambler.
George Smith.*
Jack Smith.
Peter Smith.
—— Switzer, *alias* the Slasher.
Tallentine.
Dick Terrel.
—— Thibault.
Tom.
Joseph Turner, *alias* Quick.*
William Watkins.*
Thomas Welsh.*
Sam Whittaker.*
Wilson, a horse thief.
William Windred.
Jane Yates.*
Thomas Yates.*

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* Indicates the more important members of Stuart's gang.

APPENDIX G

LETTER FROM THE COMMITTEE OF VIGILANCE OF DOWNIEVILLE

[Missing from the files, and reprinted from *Popular Tribunals*, I, 586, 587.]

Downieville, July 27, 1851.

To the Vigilance Committee of San Francisco:—

Gentlemen: The citizens of this place have organized a vigilance committee for the purpose of protecting life and property. At one of their meetings they passed a resolution instructing me as their corresponding secretary to communicate with the vigilance committee of your city, with the view of eliciting what information you may be disposed to favor us with in furtherance of the object we have in view. It is thought by keeping up a communication between the committees of the different points we might be of mutual assistance, by keeping each other advised of the movements of noted and suspicious characters. Any information, therefore, you may be so kind as to favor us with upon this subject will be both thankfully received and reciprocated by us. Our organization is quite complete, and we design to keep our doings a secret, except such as are from the nature of the case public. Therefore if you communicate with the committee of this place, please address your letters to me in my private capacity.

I remain, gentlemen, your humble servant,

A. M. BROCKELBANK.

APPENDIX H

Papers of the Committee of Vigilance which Remain Unprinted

Book of Fines of the Sergeant-at-arms. An alphabetic list of members who incurred fines by absence, with records of payment. 4 × 12¾ inches in size; paper covers; indexed pages.

Petty Cash Book of the Sergeant-at-arms. Four pages, cut from a book about 4 × 13¼ inches in size. The items recorded are generally covered by the printed reports and vouchers.

Reports of the examination of the following passenger vessels from Australia:

Adirondack, July 16. Report on 138 passengers, out of a list of 256. See p. 280, *note* 1.

Edgar, August 21. Report on 32 passengers out of a list of 120, and five members of the crew. See p. 544, *note* 3.

Henry Harbeck, August 5. Report on 21 passengers out of a list of 26. None undesirable. Not mentioned elsewhere.

John S. Potter, July 2. Report on 35 passengers out of a list of 37. See p. 134, *note* 2.

Johnson (*Johnstone*), August 7. Report on 50 passengers out of a list of 125. See p. 437, *note* 4.

Mary Cathcrine, August 3. Report on 75 passengers out of a list of 100. See p. 409, *note* 1.

President, August 21. Report on 14 passengers. See p. 507, *note* 2.

Robert Bowne, August 16. Report on 114 passengers out of a list of 169. See p. 503, *note* 1.

In addition to the vessels here noted, the *California Courier* of June 16 reported the favorable examination of 15 passengers on the *Chief*. See p. 770, voucher 6.

Lists of subscribers to the fund collected for the San Francisco county jail. Thirty-seven collection sheets and check lists of receipts. Incomplete and often illegible. See p. 347, *note* 3.

Miscellaneous papers of no apparent value:

About 50 undated pages and fragments, which the editor has been unable to relate to other documents.

Drafts and duplicates of minutes, resolutions and reports which are printed in their revised form, occasional financial statements which are included in fuller and later reports, vouchers which record the transfer of funds between officers of the C. of V., bills which are not receipted, check lists of members made out for various purposes.

PAPERS WHICH REMAIN UNPRINTED

Printed circular of a jewelry raffle, announced by J. H. Robert, annotated with a list of the jewelry stolen from him on June 1. See p. 31, *note* 4.

Letter from Juan Harco to Señorita Jesusita, January 4, 1851. In Spanish, relating to the payment of money owing the writer. A postscript signed "José Chaparros."

Letter from Carmen Salsedo to "Querido (dear) Guillermo," May 19, 1851. In Spanish, a love letter, confined to personal matters. Addressed to Charles Seetsere(?), San Francisco.

Letter from Carmen Salsedo to Sr. Guillermo V. Swenboul, of Stockton. San Francisco, July 21, 1851. In Spanish, of the same character as the above, but warning the recipient that he is wanted by the police.

Letter from Catarino Navarros to Sr. D. Juana Ramirez. Stanislaus, August 6. In Spanish, personal.

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NOTE ON THE INDEX

A problem of unusual difficulty was presented in compiling the index to this volume, as the papers follow each other without the slightest logical continuity, and only the most minute analysis could place their disordered contents at the service of the reader.

The abbreviations employed in the index are so obvious that explanation is unnecessary, but a few words are used with somewhat arbitrary significance. *Convict* always designates an ex-convict from the British colonies. When the standing was doubtful, it is so indicated by a question mark or the term *reputed.* Passengers from those colonies, examined before landing by the Committee of Vigilance, are termed *Immigrants,* and men of any nationality, accused of criminal tendencies, but not proven culprits, are termed *Suspects.* *Witness* is applied, broadly, to those who gave evidence by letter as well as in person. The few prisoners *Deported* were shipped out of the country under the actual supervision of the Committee, those *Ordered to leave California* were released under threats of punishment if they failed to obey.

In classifying the references to the members of the Committee, an effort has been made to segregate the formal allusions, as *Roll call* and *Official* mention from the *Personal* references that indicate the member's individual influence in the affairs of the association, but it must be pointed out that an occasional personal reference, occurring on the same page with an official notice, has not been given duplicate entry. A simple scheme of classification has been employed in assembling the larger groups, and references with no significant sequence are collected under the heading *Mentioned.*

Personal names are given as they are spelled in the text, with a preference for the correct form wherever that could be established, and alternate readings in brackets. The consequent length of many headings has led to the unusual method of separating caption and references by a colon, while groups of related pages are set off by semi-colons. Occasional footnotes show the form of a name as found in local directories of 1850 to 1856, even when identification with the person named in the text is not absolutely certain. To obviate, as far as possible, the confusion between surname, given name, and *alias,* a dash has been used to show that the Christian name is not given in the text. Judge, Doctor, Professor, etc., are printed in marks of quotation when the professional standing has not been verified. Names of vessels and of newspapers are printed in italics, and names of hotels and lodging houses are enclosed in marks of quotation. Fully identified geographical names are alphabetized under the correct spelling.

In order to preserve all available subject references, many duplicate entries have been made, and trivial allusions are sometimes noted. The Financial Accounts and Vouchers, and the Appendices, largely repetitions of the Minutes and Miscellaneous Papers, have been indexed only as they contain information not found elsewhere.

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† The frequent citations from the *Alta* are not noted.

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† S. Beebe[e], Ludlow & Co.; Kimball's *San Francisco Directory*, 1850.

* Nathaniel Bennett, judge of the Supreme Court; Colville's *San Francisco Directory*, 1856.

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† R. G. Berford, *List of Names Approved by the Committee of Qualification*, p. 18.

* Parker's *San Francisco Directory*, 1852.

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* G. P. Botts: Parker's *San Francisco Directory*, 1852.

† Dr. A. J. Bowie: Parker's *San Francisco Directory*, 1852.

‡ Achille Brasseur: Parker's *San Francisco Directory*, 1852.

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* Benjamin S. Brooks: Bancroft, *Popular Tribunals,* I, p. 382.

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* L. S. Burritt: Parker's *San Francisco Directory,* 1852.

‡ This source is incorrectly cited as the *Day and Letter Book* of the Secretary of State.

† Soulé, *Annals of San Francisco,* p. 292.

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* Owen Caruthers, or Cruthers; *San Francisco Herald*, July 11, 19, 1851.

† *Zoroaster; San Francisco Herald*, April 27, 1855.

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[*] The publication appeared in the *Alta California*, Sept. 29, 1851.

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* The name of L. Tuffs is annotated "expelled" in the roll of members, but there is no record of such action. W. H. Parker is also annotated "expelled," probably by an error that recorded in the wrong line the sentence passed on J. B. M. Crooks. *Papers of the San Francisco Committee of Vigilance of 1851*, I.

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* E. C. Crosby; Parker's *San Francisco Directory*, 1852.

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* The theft of a large quantity of jewelry from the store of Duzuzeau, on Sacramento street, San Francisco, was reported in the *Placer Times* of August 30, 1850.

† Thomas R. Eddies: Kimball's *San Francisco Directory*, 1850; T. R. Eddie; Parker's *San Francisco Directory*, 1852.

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* Sir Charles Augustus Fitzroy: Stephen's *Dictionary of National Biography.*

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* J. W. Freelon, attorney; Parker's *San Francisco Drectory*, 1852.

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* Augustus Gardiner: Kimball's *San Francisco Directory,* 1850.

† James Gibson, or Hamilton; *S. F. Herald,* July 11, 19, 24, 1851.

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* William Greene: Soulé, *Annals of San Francisco*, p. 326.

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[*] Dr. John Hastings; Parker's *San Francisco Directory*, 1852.

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* William L. Hobson: Kimball's *San Francisco Directory*, 1850.

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* James C. Holmes: Kimball's *San Francisco Directory*, 1850.

† Howison's Pier: Soulé, *Annals of San Francisco*, p. 292.

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* Kimball's *San Francisco Directory*, 1850.

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* Francis J. Lippitt; Parker's *San Francisco Directory*, 1852.

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[*] James McElroy; Parker's *San Francisco Directory*, 1852.

[†] F. J. McGrath; List of police, *S. F. Herald*, Nov. 30, 1852.

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* Hampton North; Kimball's *San Francisco Directory*, 1850.

† Myron Norton, Assistant Justice of the Superior Court; *S. F. Herald*, Aug. 21, 1851.

‡ Dr. Robert R. Nuttall; Parker's *San Francisco Directory*, 1852; Robert K., Colville's *San Francsco Directory*, 1856.

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* Dr. P. M. O'Brien; Kimball's *San Francisco Directory*, 1850.

† William Otis Hall; *Alta*, August 18, 1851.

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* George R. Parburt: Colville's *San Francisco Directory,* 1856.

§ "J" occurs in Payran's signature on p. 374. The original document is missing from the files.

† Brannan opened the meeting in the chair, but Payran signed, as president, the report of the Santa Clara C. of V., which was presented at that date. See pp. 133 and 154.

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‡ Excused to avoid writ of habeas corpus; Bromley acted as pres. pro tem.

§ S. E. Woodworth served as chairman.

¶ Payran signed as sec'y.

* Phelan, J. and M., commission merchants; Parker's *San Francisco Directory*, 1852.

† Arthur Phillip: Stephen's *Dictionary of National Biography*.

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* Richard P. Robinson; List of policemen, *S. F. Herald*, Nov. 30, 1852.

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* Peleg Rush; *History of Santa Clara County*, Alley, Bowen & Co., 1881, p. 545.

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* C. C. Sackett, justice of the peace, *Sacramento Directory*. 1851.

301; Recorder (a city magistrate), *see* Frank Tilford; Sexton, *see* Nathaniel Gray; Sheriff, *see* J. C. Hays, *and* deputies, John Caperton, *and* B. F. Harley; Street Commissioner, *see* William Divier, *and* J. J. Arentrue (former incumbent); Wharfinger, 465.

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* Under suspicion by C. of V.

† Former officer, member C. of V.

‡ Offered to aid C. of V.

§ The frequent citations from the *Herald* are not noted.

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‡ Wilson Shannon, former governor of Ohio, was in California at this time: *National Cyclopaedia of American Biography*, VIII, 341.

* John Sim; Parker's *San Francisco Directory*, 1852.

† George Simpton; Parker's *San Francisco Directory*, 1852.

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[*] "James Smith, caught under a bed in Dr. Zeile's hospital"; *Alta California*, April 24, 1851.

[†] The references to this John Smith may cover two different suspects.

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* O. P. Stidger; *History of Yuba County*, p. 125.

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† "Jno. Sullivan" should be substituted for "Jas. Sullivan" in the text.

* David Sweeney; Kimball's *San Francisco Directory*, 1850.

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* George B. Tingley; Le Count and Strong's *San Francisco Directory,* 1854.

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* B. F. Washington; *History of Yuba County*, p. 125.

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[*] Edward D. Whiston; Parker's *San Francisco Directory,* 1852.

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* Edwards C. Williams and John G. Meiggs, a brother of Henry A. Meiggs. (Editor's note.)

† Joseph Winrow; *S. F. Herald*, June 12, 1851.

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* Mrs. Jane Yates, *alias* Lambert, Adams, and Smith, was sentenced to one year for larceny; *S. F. Herald*, Sept. 16, Oct. 5, 15, 1851.

ERRATA

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23 *note* 23.	Omit the M. from the name of Hall McAllister.
26 *note* 30.	The verdict will be printed in the historical study of the Committee.
29 line 13.	Substitute Jno. for Jas. Sullivan.
208 *note* 5.	The reference should be to p. 235 *note* 36.
231 *note* 22.	Substitute Sutter County for Yuba County, and August 13 for the date of the reference to the *Transcript*.
289 *note* 2.	Substitute Lumm for Lamm.
354 line 33.	Substitute Suwerkrop for Luwerkrop.
357 *note* 1.	Substitute Arentrue for Goff.
548 *note* 4.	The election was held on September 3.
549 line 11.	Insert Chairman after the name of J. B. Huie.
641 *note* 1.	Substitute Berdue for Burdue.
694 line 2.	Substitute Metcalf vs. Mellus et al. for Metcalf vs. Argenti.
711 line 20.	Substitute Resolution for Police Order.
718 *note* 1.	Substitute Campbell for Clark.

NOTE—Minor variations in the spelling of names are not corrected here, but are noted in the Index.